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House Journal

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DAKOTA

HOUSE JOURNAL

OF THE

THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA.

PUBLISHED BY AUTHORITY

YANKTON, DAKOTA TERRITORY.
G. W. KINGSBURY PRINTER, DAKOTIAN OFFICE
1864

1863 THIRD ANNUAL SESSION. 1864

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HOUSE JOURNAL.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, MONDAY, December 7, 1863.

Legislative Assembly of the Territory of Dakota, begun and held at the Capitol, in the town of Yankton, on Monday, the seventh day of December, in the year of our Lord, eighteen hundred and sixty three, being the third session of the Legislative Assembly under the Organic Act,

On which day, being the day fixed by the law of the Territory, for the meeting of the Legislative Assembly, the members of the House, at 12 o'clock, meridian, were called to order by Judge P. Bliss, Chief Justice, and the roll, as furnished him by the Secretary of the Territory, being called,

The following members answered to their names:

Messrs. Burgess, Bottolfson, Puett, Bond, Shriner, Pratt, Lawrence, Brookings, Larson, Reed, Risling, Wall, Wherry, and Kegan.

Judge Bliss having administered the prescribed oath to the members, they took their seats.

On motion of Mr. Brookings,

The House proceeded to a temporary organization.

On motion of Mr. Bond,

Hon. A. W. Puett was unanimously elected Speaker.

On motion of Mr. Brookings,

Mahlon Gore was elected chief clerk.

On motion of Mr. Lawrence,

A. K. Curtis, was elected assistant clerk.

On motion of Mr. Larson,

Ole Sampson was elected sergeant-at-arms.

On motion of Mr. Bottolfson,

Louis Larson was elected fireman.

On motion of Mr. Shriner,

L. K. Severson was elected messenger.

Mr. Brookings nominated Rev. Almon Gore for chaplain.

Mr. Wherry nominated Mr. Ballard for chaplain.

The ayes and noes being called for,

The vote resulted as follows:

Those who voted for Mr. Gore were,

Messrs. Burgess, Bottolfson, Bond, Shriner, Lawrence, Brookings, Larson, Reed, Risling, and Wall—10.

Those voting for Mr. Ballard were,

Messrs. Pratt, Wherry, and Kegan—3.

Mr. Gore having received a majority of all the votes cast, was declared duly elected.

Mr. Brookings moved that the officers who were elected *pro tem.*, be declared the permanent officers of the House of Representatives.

The ayes and noes being called for, resulted as follows:

Those voting in the affirmative were,

Messrs. Burgess, Bottolfson, Bond, Shriner, Lawrence, Brookings, Larson, Reed, Risling, and Wall—10.

Those voting in the negative were,

Messrs. Pratt, Wherry, and Kegan—3.

So the motion prevailed.

Mr. Brookings introduced the following resolution, which was adopted:

Resolved, That the rules of the last House be used for the government of this House until others are adopted.

On motion of Mr. Bond,

The following resolution was adopted:

Resolved, That the clerk be instructed to inform the Council that the House of Representatives is organized by electing A.

W. Puett Speaker, and ready to receive any communication that that body may have to make to us.

On motion of Mr. Brookings,

The Speaker appointed the following committee on Elections:

Messrs. Brookings, Shriner, and Kegan:

The following communication was received from the Council:

COUNCIL CHAMBER,
December 7, 1863.

MR. SPEAKER:—I have the honor of informing your honorable body, that the council is now permanently organized, by the election of the following officers, to wit:

President—Enos Stutsman.
Secretary—J. R. Hanson.
Assistant Secretary—Charles F. Rossteuscher.
Sergeant-at-Arms—B. C. Fowler.
Fireman—T. W. Thompson.
Messenger (temporary)—S. Grant.
Chaplain—Rev. M. Hoyt.

J. R. HANSON,
Secretary.

Mr. Bond offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the Speaker to inform the Secretary of the fact that we have no stationery to enable us to proceed to business.

2nd. To inquire how many papers he will furnish us, and what amount of postage we are entitled to.

Whereupon the Speaker appointed as said committee, Messrs. Bond, Wherry, and Reed.

On motion of Mr. Brookings,

The House adjourned until to-morrow, at ten o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

SECOND DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 8, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottlofson, Brookings, Burgess, Kegan, Lawrence, Larson, Reed, Risling, Shriner, Wall, Wherry, and Speaker.

Yesterday's journal read and approved.

The following obligation was then taken by the officers of the House:

"We, A. W. Puett, Speaker of the House of Representatives, Mahlon Gore, Ole Sampson, Louis Larson and Almon Gore, do solemnly swear that we have never voluntarily borne arms against the Government of the United States, since we we have been citizens thereof; that we have voluntarily given no aid, countenance, council or encouragement, to persons engaged in armed hostility thereto; that we have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that we have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile and inimical thereto. And we do further swear, that, to the best of our knowledge and ability, we will support and defend the Constitution of the United States, and the act of Congress organizing the Territory of Dakota, against all enemies, foreign and domestic; that we will bear true faith and allegiance to the same; that we take this obligation freely, without any mental reservation, or purpose of evasion, and that we will well and faithfully discharge the duties of the offices on which we are about to enter. So help us God."

Mr. Brookings, chairman of the committee on elections, offered the following report:

Mr. SPEAKER:—Your committee on elections, find, that in the case of Bon Homme county, Mr. Warford, who claims to be the register of deeds of said county, and given a certificate of election to R. M. Johnson, was appointed a deputy register of deeds in said county, in the summer of 1862, by one H. W. Granger, who ceased to be resident of said connty before the fall election of 1862, if he ever was a resident of said county. That said Warford has no other claim to register of deeds in said county, except by an election held in the night, after he and his party had broken up the legal and regular election, and destroyed the ballots.

Further, your committee find that L. H. Litchfield was appointed by Wm. Jayne, Governor of this Territory, register of deeds of said Bon Homme county, on the first day of August, 1862, and that, from all the evidence before your committee, he is the only legal and proper register of deeds in said county, and that the persons having the certificates of election from said Litchfield, are the only legal representatives of said county, to wit: Henry Brooks and L. H. Litchfield.

Further, your committee would notice the fact, that there is but one claimant under the Warford certificate. Therefore, your committee recommend that Messrs. Brooks and Litchfield be permitted to take their seats in the House, as the legal representatives of Bon Homme county.

W. W. BROOKINGS,
WM. SHRINER.

The ayes and noes being called for,

The report was adopted, by the following vote:

Those voting in the affirmative were

Messrs. Bond, Bottlofson, Brookings, Burgess, Lawrence, Larson, Reed, Risling, Shriner, Wall and Mr. Speaker.—11.

Those voting in the negative were,

Messrs. Kegan, Pratt and Wherry—3.

After taking the oath of office,

Messrs. Brooks and Litchfield took their seats.

Mr. Brookings further offered the report of committee in the case of Cole county, with the affidavits accompanying it, as follows:

MR. SPEAKER:—Your committee on elections beg leave to make the following report in the case of Cole county: Your committee find that N. J. Wallace and those who canvassed the vote with him in Cole county, in the fall of 1862, and gave certificates of election to one H. S. Carpenter, as register of deeds; Sherman Clyde and Archibald Christie, as commissioners, and Mr. Searls, as judge of probate, ragardless of the provisions of the statutes controlling their action as canvassers, and entirely setting aside the laws, did not give the certificates of election to persons having the largest number and a majority of all the votes cast at the election in September, 1862, but to persons who had only a minority of the votes cast.

2. That, had said commissioners, register of deeds, and judge of probate, been duly elected, they have failed to qualify according to the provisions of the statutes; and, consequently, their seats are null and void.

Further, your committee think, from the testimony in the case, that Mr. Carpenter, the register of deeds, is a non-resident.

Your committee, therefore, think the only legal board of county officers in Cole county, are those appointed by the Governor, to wit: County commissioners, Wm. W. Frisbie, J. R. Wood and Wm. Mathews; judge of probate, A. R. Phillips; register of deeds, M. M. Rich; and that their acts are the only ones to be noticed by this House.

Therefore your committee recommend that N. G. Curtis, Asa Mattison, B. A. Hill, Duncan Ross, and Albert Gore, the persons having the proper certificates, be admitted to seats in this House, as the duly elected representatives from Cole county, Dakota Territory.

W. W. BROOKINGS,
WM. SHRINER.

The following affidavits accompany the report:

I, William Mathers, one of the county commissioners, in and

for Cole county Territory of Dakota, being duly sworn, do depose and say, that Henry Carpenter, as register of deeds, and Edward Lamoure, as sheriff, and William Searls, as judge of probate, have never filed their bonds for approval, before the board of county commissioners, for the respective offices aforementioned, as required by law.

WILLIAM MATHEWS.

Territory of Dakota, } s.s.
County of Cole. }

Subscribed and sworn to before me, on this 12th day of October, A. D. 1863.

A. R. PHILLIPS,
Judge of Probate for Cole County.

I, William Frisbie, one of the county commissioners for the county of Cole, and Territory of Dakota, being duly sworn, do depose and say, that I am one of the county commissioners for the county of Cole, Territory of Dakota; and, further, deponent says that Henry Carpenter, as register of deeds, and Edward Lamoure, as sheriff, and William Searls, as judge of probate, have never filed their bonds, according to law, for approval before the board of county commissioners, for their respective offices aforementioned.

WM. W. FRISBIE.

Territory of Dakota, } ss.
County of Cole. }

Subscribed and sworn to before me, on this 12th day of October, A. D. 1863.

A. R. PHILLIPS,
Judge of Probate for Cole County.

We, Isaiah Bowman and Asa Mattison, being duly sworn, do depose and say that we have lived in Cole county, Dakota Territory, for upwards of one year, and to our certain knowledge, do say that Henry S. Carpenter, who is now assuming the authority to act as register of deeds, in and for Cole county, has not, until within the last two months and a half, resided in the Territory of Dakota. That he has resided at Packquette's Ferry, in the State of Iowa, since we have known the said Henry S. Carpenter.

ASA MATTISON,
ISAIAH BOWMAN.

Territory of Dakota, }
County of Cole. } ss.

Subscribed and sworn to before me, this 12th day of October, A. D. 1863.

A. R. PHILLIPS,
Judge of Probate for Cole County.

I, A. R. Phillips, judge of probate for the county of Cole, Territory of Dakota, do depose and say, that I am the judge of probate for the county of Cole, Territory of Dakota; and, further, I do depose and say, that Thomas H. Watson, Archibald Christie and Sherman Clyde, have never presented any bonds to me to be approved, according to law, as county commissioners of Cole county, and Territory of Dakota.

A. R. PHILLIPS,
Judge of Probate.

Territory of Dakota, }
County of Cole. } ss.

Subscribed and sworn to before me, this 23d day of October, A. D. 1863.

FRANKLIN TAYLOR,
Clerk of the First Judicial District Court of D. T.

Mr. Kegan, of the committee on elections, stated that at some future time, he wished to offer a minority report.

Some discussion upon the adoption of the report in the case of Cole county, here ensued, participated in by Messrs. Brookings and Bond.

Mr. Bond moved that the report be laid upon the table.

Which motion was lost.

The question being upon the adoption of the report,

The ayes and noes were called for,

Which resulted as follows:

Those voting in the affirmative were

Messrs. Bottlofson, Brookings, Brooks, Burgess, Lawrence, Larson, Litchfield, Reed, Risling, Shriner, Wall and Mr. Speaker—12.

Those voting in the negative were

Messrs. Bond, Kegan, Pratt and Wherry—4.

On motion of Mr. Brookings,

The union delegation, from Cole county, were sworn, and took their seats.

Mr. Lawrence moved that a committee of three be appointed to draft rules and regulations for the government of this House.

Whereupon, the Speaker appointed as said commmittee, Messrs. Lawrence, Mattison and Bottlofson.

Mr. Bond, chairman of committee appointed to wait upon the Secretary, presented the following communication:

DAKOTA TERRITORY, SECRETARY'S OFFICE,
YANKTON, DEC. 7, 1863.

MESSRS. BOND, LAWRENCE AND WHERRY,
Committee of the House of Representatives.

GENTLEMEN:—In reply to your enquiry as to the amount of postage which I will pay for the members of the Legislative Assembly, I have to inform you, and through you, the House of Representatives, that I will pay, at the post-office in Yankton, postage on all matter, (to be restricted to official business) of each member, and chief clerk of each House. But in no instance will more than three dollars be paid for any one member. Each member, will write his name upon the envelope of each document by him deposited. I have also to state, that I will furnish weekly six copies of the "Dakotian" to each member.

Your Ob't Servant,
JOHN HUTCHINSON,
Secretary.

Mr. Bond moved that a committee of three be appointed to confer with a like committee on the part of the Council, to draft joint resolutions for the government of both houses.

Whereupon, the Speaker appointed as said committee, Messrs. Bond, Lawrence and Wherry.

On motion of Mr. Bond,

The clerk was instructed to inform the Council, that Messrs. Bond, Lawrence and Wherry had been appointed a committee to confer with a like committee from the Council, to draft joint resolutions for the governmedt of both houses.

The following communication was received from the Council:

COUNCIL CHAMBER,
Dec. 8, 1863.

I am instructed to inform your honorable body, that the Council have appointed Messrs. Gregory, Stone and Compton, a committee to act in conjunction with a similar committee on the part of your body, to draft rules for the government of the two houses when in joint convention.

J. R. HANSON,
Secretary.

On motion of Mr. Brookings,
The House adjourned until to-morrow morning, at ten o'clock.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

THIRD DAY.

HOUSE OF REPRESENTATIVES
YANKTON, DEC. 9, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Risling, Ross, Shriner, Wall, and Mr. Speaker.

The following annual report of the Auditor, together with that of the Adjutant General, was received:

AUDITOR'S REPORT.

AUDITOR'S OFFICE, YANKTON
November 30, 1863.

To the honorable Council and House of Representatives: —

By the 53d chapter of the laws of 1862 & 63, it is provided,

that "all accounts and claims against the Territory, which shall be by law directed to be paid out of the Treasury of the Territory, shall be presented to the Auditor, who shall examine and adjust the same, and shall issue bills or warrants, payable at the Territorial Treasury, for the sums which shall be found due from the Territory, specifying in each bill the date of its issue, and the name of the person to whom payable." And also, that "The Auditor shall annually make out an accurate statement of the receipts and disbursements of the Treasury for the preceding year, ending on the last day of the month previous to the one during which the Legislative Assembly shall commence its annual sessions; also, of the unexpended balances (if any there be,) of the several appropriations, the amount remaining in the Treasury, the amount of bills or warrants issued and not redeemed, (if any there be,) and shall report the same to each branch of the Legislative Assembly, on the third day of its session, together with such remarks on the finances of the Territory, as he shall deem proper for the consideration of the Legislative Assembly."

In compliance with the foregoing provisions, I have the honor to submit the following report, embracing so far as practicable, the details required:

The total number of warrants issued up to the 30th day of November, 1863, (exclusive of the military warrants,) amount to $480,00, to wit:

No. 1,	May 8th,	1863,	James Tufts,	- -	$120 00
" 2.	"	"	" J. R. Hanson,	-	120 00
" 3.	"	"	" Wm. R. Goodfellow	-	44 00
" 4.	"	"	" Wm. R. Goodfellow	-	196 00
			Total,		$480 00

All of which warrants are outstanding, and for the payment of the same there is no money in the Treasury.

The several acts creating and regulating the offices of Territorial Treasurer and Territorial Auditor, provide, that the Treasurer and Auditor shall furnish for their respective offices, suitable books, blanks, &c.; neither of which requirements have been complied with, for want of the necessary funds in the

Treasury—and for the same reasons, the Auditor has not been able to furnish his office with a seal, as required by law. The following estimate will indicate the probable amount of liabilities on the last day of December, 1864.

	Amount.
Present outstanding warrants.....	$480 00
Books and stationery for Treasurer's office,.....	20 00
Books, blanks and stationery, for Auditor,.....	25 00
Seal for Auditor's office,.....	10 00
Salary of Treasurer from Oct. 1st, 1862,.....	112 50
Salary of Auditor, from May 20th, 1862,.....	129 16⅔
Total,	$776 66⅔

To meet these liabilities, I would recommend that an appropriation be made by the Legislature, and that a Territorial tax be levied upon the real and personal property within the Territory, and a capitation tax of one dollar, upon each male citizen of the Territory. With a capitation tax, as above suggested, a tax of five mills on the dollar, on real and personal property, though light, would, in my judgment, raise sufficient revenue to meet the ordinary expenses of the Territory. I hope you will take these suggestions under consideration, and act upon them as in your wisdom you may deem necessary and advisable.

By an act of the Legislature, entitled "An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota," approved January 9, 1863, James Tufts, Esq., was appointed such Commissioner, whose duty it was to receive, examine and audit the military accounts of the Territory. And said act further provides, that "When the claims audited and certified to by the said James Tufts, shall be presented by him to the Auditor, the Auditor shall forthwith issue Territorial warrants to the persons entitled to the same, as per amount designated by said Commissioner." On the 18th day of March, 1863, the said Commissioner presented the following report:

COMMISSIONER'S REPORT.

DAKOTA TERRITORY,
OFFICE COMMISSIONER OF MILITARY ACCOUNTS,
YANKTON, March 18th, 1863.

JUSTUS TOWNSEND, ESQ.,

Auditor of Dakota Territory:

Sir—In compliance with an act of the Legislature, entitled, "An act appointing and authorizing a commissioner to audit the military accounts of the Territory of Dakota," approved January 9, 1863, I submit the following report:

Sections one and two of the above entitled act, read as follows: "Sec. 1. That James Tufts is hereby appointed and constituted a Commissioner to audit all of the military accounts outstanding against the Territory of Dakota. Sec. 2. That all persons having military claims against the Territory are hereby required to present them to the said James Tufts on or before the first day of March, 1863, and he, the said James Tufts shall have the same audited and presented to the Auditor by the eighteenth day of March, 1863."

The following general order was published in the *Dakotian* a weekly newspaper published at Yankton, and the *Dakota Republican*, a weekly newspaper published at Vermillion, in said Territory, to wit:

GENERAL HEADQUARTERS, DAKOTA TERRITORY,
ADJUTANT GENERAL'S OFFICE,
YANKTON, January 27, 1863.

ORDER No. 12.

To Captains F. M. Ziebach, A. W. Puett, Daniel Gifford, A. J. Bell, and Mahlon Gore, of Dakota Militia:

By order of the Commander-in-Chief, I am directed to instruct all captains of militia companies raised in the Territory under the proclamation of the Governor, issued August 30th, 1862, for protection against Indians, to report themselves without delay to the Hon. James Tufts, at Yankton, who, by an act of the Territorial Legislature, approved January 9, 1863, has been appointed a Commairsioner to audit the military

accounts of the Territory; and you will then and there present for adjustment the properly authenticated accounts and claims of your respective companies for services and material furnished for the public defence.

By order of the Commander-in-Chief.

C. P. BOOGE,
Adjutant General.

In pursuance of said act, and in conformity to the above order, I entered upon the discharge of the duties of the responsible trust confided to me. It will be observed that the enactment conferred plenipotentiary power upon the commissioner in the discharge of the duties imposed, without enjoining any special directions, or providing for the defrayment of such expenses as might be incurred in obtaining evidence or examining witnesses necessary to a just and equitable adjustment of the claims presented. In the absence of all directionary provisions, the commissioner established as a rule, that all claims presented, whether for material furnished, labor performed, or service rendered, should be authenticated and duly certified to by the Commander-in-Chief of the militia, or by the captains, or by some commissioned officer in command in the county or district where the expense was incurred. Under this rule the commissioner has acted, and in auditing the claims herewith presented, he has, in no instance, sought to obtain testimony beyond the authentication of the commanding officer.

The few claims which have been presented for material and labor have, in nearly every case, in the opinion of the commissioner, been marked by moderation and justice, and this class of accounts have, with perhaps an exception or two, been allowed in full. The accounts of militia companies for military service rendered, were, in most cases, unavoidably conflicting and irregular. The names of the same individuals, in several instances, appeared on different rolls, but in all cases duly certified by the proper officer. This clashing in the returns of the various commanders of companies is attributable to the unfitness and incongruity of our present militia law, together with those conspiring circumstances incident to an unsettled and alarmed state of the public at the time the several companies were ordered into service; and in the opinion

of the commissioner, such collisions were inevitable, and therefore excusable.

The proclamation under which the militia of the Territory was organized and called into active service was issued on the 30th day of August, 1862. The order has not been revoked at the present writing, nor has the militia been discharged from service by any official order, or otherwise. Under these circumstances the captains could not do otherwise than present their claims for pay from the time they entered the service to the first day of the present month. Though not in constant service, they were obliged, under the law, to hold themselves in readiness, subject to the orders of the Commander-in-Chief, and by virtue of the existing orders, they are entitled to the presumption of uninterrupted active service. While the commissioner therefore deems the account of the militia men for four months pay as reasonable and justifiable by the outstanding orders of the Executive of the Territory, he is quite aware that the term of actual active service would fall considerably short of the period named above, and the commissioner has, therefore, endeavored to approximate, in auditing these pay accounts, as nearly as in his power, to such time as would be warranted by facts, paying due regard to the interests of the claimants, and according them the benefit of any uncertainty or margin of doubt existing. The commissioner believes that some companies have performed more actual service than others but as there was no evidence before him to show the length of time which any of them had been in actual service, (other than the muster rolls,) resorted to a uniform rule of allowance, as may be seen by the schedule hereunto appended. In conforming to this rule, it may be that slight injustice has been done in some cases, but the commissioner is confident that no other rule could have been pursued whereby more exact justice could have been accorded.

The commissioner trusts that the incompleteness of our territorial militia system, and the complications and embarrassments consequent thereto, together with the meagre provisions of the law creating this commission, and a desire to award to the yeoman militia of Dakota their full and just deserts, will furnish a plenary excuse for his short comings, and pardon

to him those errors into which he may have unsconsciously fallen.

All of which is respectfully submitted.

JAMES TUFTS,
Commissioner.

The foregoing report was accompanied by an itemized statement of the accounts audited and allowed by the commissioner, which concluded with the following summary:

RECAPITULATION.

FOR WHAT TIME.	ON WHAT ACCOUNT AUDITED.	AMOUNT.
Two months.	Pay, commutations, &c., of Co. "A," Dakota militia,	$4,629 00
" "	Pay, commutations, &c., of Co. "B," Dakota militia,	2,206 00
" "	Pay, commutations, &c., of Co. "C," Dakota militia,	4,811 00
" "	Pay, commutations, &c., of Co. "E," Dakota militia,	3,128 00
" "	Pay, commmutations, &c., of Capt Fuller's company,	2,027 00
" "	Recruiting service, and pay of staff,	3,320 8[illegible]
" "	Quartermaster's Department,	2,312 8[illegible]
" "	Commissary Department,	5,095 7[illegible]
" "	Surgeon and hospital expenses,	406 7[illegible]
" "	Incidental expenses,	200 0[illegible]
		$28,137 1[illegible]

Agreeable to the list of audited accounts reported to me by the commissioner, and in obedience to the act creating the commission, I issued warrants on the treasurer, to the amount aforesaid.

This expense was necessarily incurred in defending the lives and property of our citizens from the numerous bands of hostile Indians which infested our Territory during the fall of 1862, before adequate protection was afforded by the Government. I would therefore recommend that you memorialize Congress for an appropriation of twenty-eight thousand one

hundred and thirty-seven dollars and seventeen cents, to refund the Territory the amount expended for the defence of the frontier of Dakota, which was also affording protection to Northern Nebraska, Northwest Iowa, and Western Minnesota.

All of which is respectfully submitted.

JUSTUS TOWNSEND,
Auditor.

ADJUTANT GENERAL'S REPORT.

ADJUTANT GENERAL'S OFFICE,
YANKTON, DAKOTA TERRITORY,
December 1st, 1863.

TO HIS EXCELLENCY, GOVERNOR NEWTON EDMUNDS,
Commander-in-Chief of Dakota Militia:

I have the honor to submit this, my first annual report of the military operations coming within the supervision of this department since my appointment by Governor William Jayne, in September, 1862.

By proclamation of the Governor, dated August 30th, 1862, the militia forces of the Territory were called out to protect the settlements against a threatened invasion of the hostile Sioux; and the following officers were also appointed, who, with the Governor, compose the present roster of Dakota militia, to wit:

Governor and Commander-in-Chief—Newton Edmunds.
Adjutant General—Chas. P. Booge, Brigadier General.
Quartermaster General—D. T. Bramble, Brigadier General.
Paymaster General—Enos Stutsman, Colonel.
Judge Advocate General—J. R. Hanson, Colonel.
Aid-de-Camp to Governor—R. M. Hagaman, Colonel.
Surgeon General—Justus Townsend, Captain.
Brigade Chaplain—Melancthon Hoyt, Captain.

The following captains and company officers were also commissioned and ordered to raise and muster five companies of militia with all possible dispatch. In obedience to this call 266 men were enrolled in companies, as herein set forth, to wit:

Company "A," (at Yankton)—Captain, F. M. Ziebach; 1st Lieutenant, David Fisher; 2nd Lieutenant, John Lawrence—79 men.

Company "B," (Bon Homme)—Captain, D. Gifford; 1st Lieutenant, S. G. Irish; 2nd Lieutenant, N. McDonalds—32 men.

Company "C," (Vermillion)—Captain, A. W. Puett; 1st Lieutenant, A. A. Patridge; 2nd Lieutenant, J. W. Boyle—83 men.

Company "D"—Captain, A. J. Bell; 1st Lieutenant, J. M. Somers; 2nd Lieutenant, J. R. Wood. (Not reported.)

Company "E," (Brule Creek)—Captain, Mahlon Gore; 1st Lieutenant, S. M. Crooks; 2nd Lieutenant, M. M. Rich—50 men.

Company "F," (Mounted Rangers)—Captain A. G. Fuller; 1st Lieutenant, James Malony; 2nd Lieutenant, William Bordeno—22 men.

The officers of the militia, as above classified, all entered upon the discharge of their duties with commendable promptness and energy, and were zealous and untiring in their efforts at enrolling the militia and gathering the people together in places convenient for self defence.

By the militia law of the Territory it is required that the sheriffs of the different counties shall enroll the militia at the time of assessment, after which they will be formed into companies consisting of not less than forty men each.

But the Territory was yet in its infancy, and no enrollment of the militia had ever been made; and now, amid the terror and consternation of the people, without arms or ammunition, in the face of a threatened outbreak of the Sioux nation, prefaced by the horrid massacre in Minnesota, surely the citizens of Dakota were not in a situation to leave their homes and defenceless families, for the purpose of forming themselves, with drilled precision, into the ranks of new made companies.

Every able-bodied man relied upon himself and his trusty rifle to defend his household from the nightly expected attack of the knife and tomahawk, until the isolated settlers could assemble together and throw up their hasty fortifications for mutual protection.

Hence no official muster rolls of the militia then in service, have ever been properly made to this office, and I am not, therefore, able, in this report, to furnish your Excellency with the real aggregate of Dakota militia, for the reason that when the muster was made, many had left the Territory through fear of an Indian war; and I have, therefore, left the matter open for future enrollment, and would respectfully recommend a thorough revision of the militia law—such as will insure a speedy and accurate enumeration, and an organization of the Territorial militia, to be armed and equipped, in readiness at all times to meet our frontier foe.

I would also respectfully recommend to your Excellency, the propriety of the Legislature appropriating a small annual amount, sufficient to defray the expense of storing the Territorial arms, ammunition, and ordnances, and to pay a suitable officer of the militia (to be designated by the Commander-in-Chief,) to act as "Keeper of the ordnance stores" of the Territory.

In November, 1862, twenty-nine tons of these stores were shipped from the St. Louis Arsenal, by Government, to this Territory, and were received and receipted for by your predecessor in office.

A large portion of these arms and ammunition are in the hands of the disbanded militia throughout the Territory, and can be collected by order at any time.

A large amount of ammunition was also necessarily used and damaged during the Sioux troubles of 1862–3; but a major share, however, of these arms and stores, are in the Government Store Houses at Yankton and Vermillion, including two six-pound brass field pieces, (mounted) 15 boxes of shell and shot, 120 Prussian muskets, and 60,000 rounds of musket cartridges.

Aside from the militia force of the Territory, there have been raised and mustered into the United States service, two full companies of Dakota cavalry, numbering in the aggregate 188 men.

Company "A" was recruited at Yankton, by Captain Nelson Miner, and was mustered into the United States service

April 26th, 1862, by Lieutenant M. R. Luce, 14th Iowa volunteer infantry—numbering 92 men.

Company "B" was recruited at Elk Point, by William Tripp, and was mustered into the United States service March 31st, 1863, by Lieutenant J. A. Hearn, 16th United States infantry—numbering 86 men.

Since the mustering of these companies into the United States service, the following changes have occurred in the ranks of officers and privates:

COMPANY "A."—Officers at organization—Captain, Nelson Miner; 1st lieutenant, J. K. Fowler; 2nd lieutenant, —. —. Ploghoff. Strength at organization—92. Present officers—Captain, N. Miner; 1st lieutenant, J. A. Bacon; 2nd lieutenant, I. C. Smith. Present strength—87. Resigned, 2; died, 2; discharged, 5; drummed out of service, 1; recruits, 5.

COMPANY "B."—Officers at organization—Captain, Wm. Tripp; 1st lieutenant, J. R. Wood; 2nd lieutenant, T. E. Clark. Strength at organization—86. Present officers—Captain, Wm. Tripp; 1st lieutenant, J. R. Wood; 2nd lieutenant, T. E. Clark. Present strength—89. Recruits, 3. Total—Strength at organization, 178; present strength, 176; resigned, 2; died, 2; discharged, 5; drummed out of service, 1; recruits, 8.

These companies have been constantly stationed upon the border for the protection of the frontier settlements, and have been of incalculable benefit to Dakota, in sustaining the hopes of the people and dispelling a fear which threatened to depopulate our Territory, at a time when the settlements were menaced by a barbarous foe, and the Government was unable to assist us with timely reinforcements.

During the past year these two companies of cavalry have been scouting, in detachments, through most of the ceded lands in the Territory, and their frequent inroads upon the Indian grounds have done much to admonish the savages and restore peace and security to our settlements.

I have the honor to remain, sir,

Your most obedient servant,

C. P. BOOGE,

Adjutant General Dakota Militia.

Yesterday's journal was read and approved.

The Speaker announced the following standing committees:

Ways and Means—Messrs. Wherry, Reed, and Bottolfson.

Judiciary—Messrs. Brookings, Gore and Bond.

Internal Improvements—Messrs. Lawrence, Litchfield and Pratt.

Public Lands—Messrs. Shriner, Kegan and Wall.

Federal Relations—Messrs. Gore, Brooks and Bond.

Education—Messrs. Bond, Hill and Wherry.

Towns and Counties—Messrs. Litchfield, Mattison and Burgess.

Military Affairs—Wall, Risling and Ross,

Incorporations—Hill, Larson and Pratt.

Agriculture and Manufactures—Shriner, Curtis and Reed.

Elections—Brookings, Shriner and Kegan.

Indian Affairs—Messrs. Brooks, Mattison and Wall.

Mines and Minerals—Messrs. Burgess, Kegan and Ross.

Engrossment—Messrs. Brooks, Hill and Larson.

Enrollment—Messrs. Gore, Wherry and Bond.

Mr. Bond, Chairman of House committee on Joint Rules, offered the following report:

MR. SPEAKER:—Your Committee on Joint Rules, have had the same under consideration, and beg leave to report the Joint Rules of the last Legislative Assembly, with the following amendment, and recommend their adoption; as follows:

JOINT RULES.

1. In every case of disagreement between the two Houses, if either House request a conference, and appoint a committee for that purpose, the other House shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective House the result of their conference.

2. When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent, by the Doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

3. All messages between the two Houses shall be communicated by the Secretary or Chief Clerk, or their respective assistants.

4. When a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the Secretary or Clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of two from the Council and two from the House of Representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first by the Speaker of the House of Representatives, and then by the President of the Council, in the presence of their respective House.

7. After the bill shall have been thus signed in each House, it shall be presented by said committee to the Governor for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the journal of the House in which the bill originated.

8. All orders, joint resolutions and memorials to Congress, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council, and forthwith transmitted by the Chief Clerk of the respective House in which they originated, to the President of the Senate and Speaker of the House of Representatives, and also a copy to our Delegate in Cengress.

9. When any bill, joint resolution, or memorial which shall have passed in one house, is rejected in the other, notice of said rejection shall be given to the House which has passed the

10. When a bill, resolution, or memorial which shall have passed one House, is rejected in the other, it shall not be again introduced during the session, without five days notice, and leave of two-thirds of the members voting thereon.

11. Each House shall all transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one House, is ordered to be printed by the other, a greater number of copies shall not be printed than is necessary for the use of the House making the order. When any other bill or resolution shall be ordered printed by either House, a sufficient number of copies shall be printed for the use of both Houses.

14. It shall be the duty of the Chief Clerk of the House of Representatives, and the Secretary of the Council, when any document except bills and resolutions, is ordered to be printed in their respective Houses, forthwith to communicate such order to the other House.

15. In all elections in joint convention of the two Houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

So amend rule 8, that it shall read as follows:

All orders, joint resolutions and memorials to Congress, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House, and President of the Council, and forthwith presented to the Governor for his signature. After receiving his approval, they shall be transmitted by the Chief Clerk of the respective Houses in which they originated, to the President of the Senate and Speaker of the House of Representatives, and also a copy to our Delegate in Congress.

E. M. BOND,
Chairman.

Mr. Lawrence, chairman of committee appointed to draft rules and regulations for the government of the house, offered the following report:

MR. SPEAKER:—Your committee appointed to draft rules and regulations for the government of this House, beg leave to submit the following report, and would respectfully recommend its adoption:

RULES OF THE HOUSE OF REPRESENTATIVES.

1. The speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of the members called, and the names of the absentees shall be entered upon the journal of the House.

2. Upon the appearance of a quorum, the journal of the preceding day shall be read by the clerk, and any mistake therein may be corrected by the House.

3. The speaker shall preserve order and decorum and shall decide questions of order, subject to an appeal to the House.

4. The speaker shall vote on all questions taken by yeas and nays, (except on appeals from his own decisions) and in all elections or divisions called for by any member.

5. When the House adjourns, the members shall keep their seats, until the speaker announces the adjournment.

6. Every member, previous to his speaking, shall rise from his seat, and respectfully address himself to the Speaker.

7. When two or more members rise at once, the speaker shall designate the member who is first to speak; but in all cases the member who shall first rise and address the chair shall speak first.

8. No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the question pending, shall have spoken.

9. No motion shall be debated or put, unless the same be seconded; it shall be stated by the speaker before debate, and any such motion shall be reduced to writing, if the speaker or any member desire it.

10. After a motion shall be stated by the speaker, it shall be

deemed to be in possession of the House, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or amendments shall be entered on the journal, whether they are rejected or adopted.

11. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a certain day, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged; and a call of the House may be had upon the demand of two members.

12. A motion to adjourn shall always be in order; except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay upon the table, shall be decided without debate.

13. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee —if any; upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

14. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

15. All incidental questions of order arising after a motion is made for the previous question during the pending of such motion, or after the House shall have determined that the main question shall be now put, shall be decided, whether on appeal or otherwise, without debate.

16. Petitions, memorials, and other papers addressed to the House, shall be presented by the speaker, or by a member in his place.

17. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he is immediately interested in the question, in which case he shall not vote.

18. When the speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

19. If the question in debate contains several points, any member may have the same divided.

20. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to, shall decide the case. If there be no appeal, the decision of the chair shall be submitted to. On an appeal no member shall speak more than once without leave of the House, except when a member is called to order for offensive language, in which case there shall be no debate.

21. Every bill shall be introduced by a motion for leave, or by an order of the House on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice of a motion for leave to bring in a bill, (and every motion for leave to bring in a bill) shall be in writing, and shall contain the title of the bill.

22. Every bill, before being introduced, shall have endorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

23. All bills, memorials, or joint resolutions, shall be read the first time for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading, without a question.

24. All bills, memorials or joint resolutions, on their second

reading, shall be read by their title, and the question taken upon their commitment, amendment or engrossment for a third reading.

25. All bills, memorials or joint resolutions, on their third reading, shall be read at length, and no amendment shall be in order except by unanimous consent of the House.

26. Every bill shall be read on three different days, unless in case of urgency two-thirds of the House shall deem it expedient to dispense with this rule; and no bill shall be passed unless it shall have been read once at length.

27. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

28. In forming committee of the whole House, the speaker shall appoint a chairman to preside.

29. Bills committed to the committee of the whole House, shall in committee of the whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing, and reported to the House by the chairman.

30. All questions, whether in committee or in the House, shall be put in the order they are moved, except in cases of privileged questions, and in filling up blanks the largest sum and the longest time shall be first put.

31. A similar mode of proceeding shall be observed with bills which have originated in, and passed the Council, as with bills originating in the House, except that they shall not be printed.

32. No motion for reconsideration shall be in order unless on the same day, or on the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

33. When notice of the intention to move the reconsidera-

tion of any bill or joint resolution shall be given by a member, the clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

34. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration; and a motion for a reconsideration shall be decided by a majority of votes.

35. The rules of the House shall be observed in committee of the whole House, so far as may be applicable, except that the yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

36. A motion that the committee rise, shall always be in order, and shall be decided without debate.

37. Standing committees consisting of three members each, shall be appointed on the following subjects:

1. Ways and means.
2. Judiciary.
3. Internal Improvements.
4. Public Lands.
5. Federal Relations.
6. Education.
7. Towns and counties.
8. Military Affairs.
9. Incorporations.
10. Agriculture and Manufactures.
11. Elections.
12. Indian Affairs.
13. Mines and Minerals.
14. Engrossment and Enrollment.
15. Enrollment.

38. The committee on engrossment shall examine all bills after they are engrossed, and report the same to the House, correctly engrossed, before their third reading; said commitee may report at any time.

39. The committee on enrollment shall examine all House bills and joint resolutions which have passed the two Houses,

and when reported correctly enrolled, they shall be presented to the presiding officers of the House and Council for their signatures, and when so signed, to the governor for his approval; said committee may report at any time.

40. Select committees to whom references shall be made shall in all cases report a state of facts, and their opinion thereon to the House.

41. In all cases where a bill, order, resolution or motion shall be entered upon the journals of the House, the name of the member moving the same shall be entered upon the journals.

42. No person shall be admitted within the bar of the House but the Executive, members of the Council, Territorial Treasurer and Auditor, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress, of the Legislative Council, and such other persons as the House shall deem proper to admit.

43. The Speaker shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other proceedings of the House, which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general orders of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House; and the Clerk shall also keep a book showing the situation and progress of bills.

44. On the meeting of the House, after reading of the journal of the preceding day, the order of business for the day shall be as follows:

1. Presentation of petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Notices.
5. Introduction of bills.
6. Motions and Resolutions.
7. Consideration of messages from the Council.
8. First reading of Council bills, resolutions and memorials.

9. Second reading of the same.
10. Third reading of the same.
11. Second reading of House bills.
12. Third reading of the same.
13. Consideration of the general orders.
14. Unfinished business.

45. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.

46. When the House have arrived at the general orders of the day, they shall go into committee of the whole upon such orders, or a particular order designated by a vote of the House, and no other business shall be in order until the whole are considered or passed, or the committee rise; and, unless a particular bill is ordered up, the committee of the whole shall consider, act upon or pass the general orders according to the order of their reference.

47. The Speaker may leave the Chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

48. The rules of parliamentary practice embraced in Cushing's manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules snd orders of the Council and House of Representatives.

49. No rule of the House shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

50. The hour of the daily meeting of the House shall be ten o'clock in the morning until the House direct otherwise.

51. The ayes and noes shall not be ordered unless demanded by two members, except upon the final passage of bills, joint resolutions and resolutions making an appropriation of money, in which cases the ayes and noes shall be had without any demand.

52. All House bills of a general nature shall, after their second reading, be printed without a special order from the House.

53. All orders, joint resolutions and memorials to Congress, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council, and forthwith transmitted by the Chief Clerk of the respective House in which they originated, to the President of the Senate and Speaker of the House of Representatives, and also a copy to our Delegate in Congress.

JOHN LAWRENCE,
OLE BOTTOLFSON,
ASA MATTISON,

Mr. Brookings offered the following amendment:—

To strike out, in section 26, "on three different days," and insert, "All bills shall be read three times before their final passage, and may be read twice on the day of presentation, unless otherwise ordered."

The question being upon the amendment,
It was adopted.

On motion of Mr. Brookings,
The report as amended, was adopted.

Mr. Bond gave notice that on to-morrow or some subsequent day of the session he would introduce a bill locating a Territorial road from Vermilion to Yankton.

Mr. Gore gave notice that on to-morrow he would introduce a bill to annul the Seventh Council and Representative District of the Territory of Dakota.

Mr. Larson gave notice that on to-morrow or some subsequent day of the session he would introduce a bill entitled "An act to amend an act to designate the time of holding the general election, and provide for an election for Delegate to Congress."

Mr. Brookings gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill to incorporate the Minnesota and Dakota Railroad Company.

Mr Bond offered the following:

Resolved, That one hundred copies of the Auditor's Report be printed in pamphlet form, together with the Adjutant General's Report, for the use of this House.

Which was adopted.

Mr. Lawrence, on behalf of the religious societies, moved, that this house be tendered to the different Religious denominations for holding divine service.

Carried.

Mr. Bond offered the following:

Resolved, That there be a committee of three appointed to wait upon the Secretary, for the purpose of obtaining the construction of a bar and seats for lobby.

Which was adopted.

Whereupon the Speaker appointed as said committee Messrs. Bond, Wall and Ross.

Mr. Brookings moved

That a committee of three be appointed to inform the Council that we shall be ready to meet them in joint convention this afternoon at two o'clock, to hear the Governor's Message.

Carried.

Whereupon the Speaker appointed as said committee Messrs. Lawrence, Pratt and Gore.

The following communication was received from the Council:

COUNCIL CHAMBER,
Dec. 9, 1863.

MR. SPEAKER:—I am instructed to inform you that the Council has adopted the report of the joint committee on joint resolutions for the government of the two Houses.

J. R. HANSON,
Secretary

Mr. Bond moved that the House adjourn.

A division being called, the

Motion was lost.

On motion of Mr. Lawrence

The House took a recess of fifteen minutes.

The House being called to order,

Mr. Bond offered the following motion:

That section fifty-two of House rules be so amended as to read as follows:

No House bills shall be printed except by special order.

The ayes and noes were called for,

The following message was received from the Council:

COUNCIL CHAMBER,
December 9, 1863.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council has concurred in the resolution of the House, fixing the time of meeting in joint convention, and that a committee of two, consisting of Messrs. Kingsbury and Gregory, has been appointed by the Council to act with a similar committee on the part of your body, to wait upon his Excellency the Governor, and inform him that the two houses will meet in joint convention at two o'clock this P. M., to hear any communication that he may have to make.

J. R. HANSON,
Secretary.

Mr. Brookings moved to lay the resolution before the House upon the table until this afternoon.

Carried.

Mr. Lawrence offered the following:

Resolved, That two hundred copies of the standing rules and a list of the standing committees be printed together in pamphlet form for the use of the members of this House.

Adopted.

Mr. Brookings offered the following:

Resolved, That a committee of three be appointed by the chair, to act with a like committee from the Council, to wait upon his Excellency the Governor, and inform him that the two houses will be in joint convention at two o'clock, P. M., and ready to receive any communication he may have to make.

Adopted.

Whereupon the Speaker appointed as such committee,

Messrs. Bottolfson, Reed, and Kegan.

The clerk was instructed to inform the Council that Messrs. Bottolfson, Reed, and Kegan, had been appointed a committee to act with a like committee from the Council, to wait upon the Governor and inform him that the two houses would meet in joint convention, at two o'clock, P. M., and ready to receive any communication from him.

On motion of Mr. Lawrence,

The House adjourned until half-past one, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Bottolfson, chairman of committee appointed to wait on the Governor, offered the following:

MR. SPEAKER:—The joint committee, appointed to wait upon the Governor, ask to report that they have discharged their duty, and that the Governor will meet the houses in joint convention at any hour they may see fit to designate.

OLE BOTTOLFSON, Ch'n.

On motion of Mr. Brookings,

The resolution was taken from the table.

Mr. Litchfield offered the following amendment to the amendment:

Strike out all after the word "follows," and insert in lieu thereof, "all House bills of a general nature, shall, after the second reading, be printed, unless otherwise ordered."

On motion of Mr. Brookings,

The amendment to section fifty-two, as amended, was adopted.

Mr. Brookings moved that a committee of three be appointed to inform the Council that the House is now ready to meet them in joint convention,

Which motion prevailed.

Whereupon the chair appointed as said committee,

Messrs. Brookings, Bond, and Gore.

The Speaker assigned members of the Council seats on the right of the Speaker's stand.

IN JOINT CONVENTION.

The two houses met in joint convention, at two o'clock, and were called to order by the President of the Council.

Mr. Gregory, of the Council, moved that the chief clerk of the House, and assistant secretary of the Council, act as clerk to the joint convention,

Which motion prevailed.

The roll being called,

The members from both houses were present.

Mr. Gregory moved that a committee of two be appointed by the President to wait on his Excellency the Governor, and inform him that the two houses are now in joint convention, and prepared to receive any communication he may have to make,

Which motion prevailed.

Whereupon the chair appointed as said committee,

Messrs. Gregory, of the Council, and Hill, of the House.

The committee offered the following report:

MR. PRESIDENT:—Your committee appointed to wait on the Governor and inform him that the two houses are now in joint convention, and ready for any communication from him, beg leave to report that they have discharged their duty, and that the Governor will send his message by a messenger.

A communication was received from his Excellency, which was read to the convention by J. R. Hanson, as follows:

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

A year has elapsed since you last assembled in this hall to deliberate and enact laws for the government and welfare of our people. A year of great trial to our country; a year of intestine war and bloody feuds; a year in which our loyal and patriotic citizen soldiers have, by their bravery, indomitable energy and perseverance, obtained great and important victories over our enemies; a year in which whole States have been conquered and reclaimed from the possession and control of the traitors, who have, for more than two years and a half, been engaged in murdering and plundering our fellow citizens, and devastating our once happy, united, and peaceful country; a year of border war with the relentless, implacable, and heartless savages of our own Territory—and still we have a country and government left us, of which we may well be proud, and which should be the pride and boast of every true, patriotic

and loyal American citizen, whether such by birth or naturalization.

While all this has been transpiring within our country the past year, we have every reason to feel thankful for the blessings that have been bestowed upon us by an all-wise over-ruling Providence, and should fervently thank Him for His continued mercies vouchsafed to us.

In the progress of the war for the preservation of our Government, the enforcement of just laws, and the maintenance of our national domain, it behooves us to mention some of the causes which have led to our calamities, in order that, on the recurrence of peace—which, judging from the progress made by our armies the past season, must, ere long, return to our distracted country—we may, if possible, in the future avoid them.

Whatever is loose in the foundation of the fabric of our glorious Government, must be made fast; whatever has become corrupted must be lopped off; whatever is not built on the broad basis of public utility, equality, justice, and freedom to all, must be thrown to the ground. Liberty and equal rights must be our watchword, and must be extended and guaranteed to all classes of American citizens, not even excepting the poor benighted African, who has, to the present time, in this country, been the victim of hard, implacable avarice.

The great main spring of human action will forever be emulation, and it is only in a just, well ordered, and well regulated government, that we shall be able to prevent in the future, that emulation from degenerating into dangerous ambition, destructive factions, and, worse than all, bloody civil wars, as evinced in our present national difficulties.

A people become tumultuous and unmanagable when made to believe they are oppressed;—although naturally of a peaceable temper, if circumvented or misled by those they have trusted, are easily led astray, over-run the bounds of justice and honesty, ruining all before them; and, unhappily, for their own good, frequently rebel, and undertake to overthrow the most beneficent, just, and liberal government, and insist upon being misled by the most artful, knavish, and ambitious of the

land, as witnessed in the persons of the leaders of this great rebellion.

A great majority of the people are too fond of ease and peace to trouble themselves about public affairs, and this gives an opportunity for the ambitious, profligate, and dissolute, to have more of influence than they ought in public affairs, and enables them to set before the people such idols as will flatter and seduce them from the path of rectitude, and lead them to become careless and heedless in the discharge of their duties as good citizens.

Emulation, envy, pride, and lust for power, are so natural in the human heart, that wherever men are to be found and however connected, we see its effects. They are not more affected by it as individuals than they are as communities. There are rivalries between trades and professions; between congregations, parishes, and churches; between colleges and universities; between villages, cities, provinces, states, and nations. Hence the great struggle in which we, as a nation, find ourselves engaged. Ambition, pride, envy, and emulation, are among the leading causes which have led to our present national calamities. These feelings have been nursed and fostered by us, as a people, by a process so subtle, slow and diversified, that the fires of rebellion were kindled and brightly burning over nearly one-half our country, ere we could awake ourselves to a realizing sense of our danger or be brought to the thinking point on the subject of the necessity of prompt and vigorous action, if we would preserve our institutions and republican form of government.

Ambition, pride, jealousy, and emulation, caused the South to secede, and have enabled them to maintain a contest unparalleled in the history of nations, or the annals of warfare, for two years and eight months, with a tenacity and strength worthy a better and more patriotic cause; and it grieves me to be obliged to confess, that the men engaged in this rebellion, the instigators of it, have been vastly aided and strengthened, and doubtless advised and counseled with, by a large number of influential citizens of the North, who have, in this manner, contributed, in no small degree, in prolonging the war beyond the conception of the most sagacious statesmen of our land.

This deplorable state of affairs has been brought upon our country simply because one set of men saw power, patronage, and position slipping from their grasp, never to return to them, for reason of their lack of fidelity, faithfulness, patriotism, and love of country.

A large majority of our loyal countrymen have become thoroughly convinced of the necessity of thrusting from power and place, men who have betrayed their confidence, proved themselves untrustworthy, and have during the pending of our great national struggle, contributed, and are now engaged in fostering and strengthening the rebels for the gratification of their selfish and personal ends. The evidence of the truthfulness of this statement is found in the triumphs of our combined loyal voters, over traitors and rebel sympathizers in the States which have recently held elections, where the result has been so decided and overwhelming, as to astonish even the most sagacious and ardent patriot in the country. These results have gladdened and warmed the heart of every truly loyal and patriotic citizen of our Territory, and the effect will be only to nerve and encourage every such man to renewed exertion and determination never to cease their laudable efforts until every official position in our Territory is in the hands of men who truly love their whole country, and will hold themselves in readiness at all times to do battle, if need be, in defense and for the preservation of our free institutions.

SIOUX WAR.

Two expeditions have been fitted out the past season by the government, at great expense and at a time of great peril to our whole country, when the aid of every able-bodied man was needed by the government for its protection against armed traitors—one from the State of Minnesota, the other from the State of Iowa, both of which have, by long and tedious marches westward, traversed nearly the entire breadth of our Territory, having for their object the punishment of the Indians engaged in the massacre of the whites, our neighbors in the State of Minnesota, and for depredations committed by them in that State, and in our own Territory, within the past eighteen months; and though ample force was provided by the Government in both cases, and both succeeded in coming up with the

Indians and inflicting some punishment upon them, I am sorry to say that in neither case has the punishment been of that severe and decided character as will be likely to end this bloody, expensive and harrassing war; and there will doubtless be a necessity for another expedition next season. This circumstance is greatly to be regretted, from the effect that a border war of this character, has upon the settlement and development of our new Territory and the increased burthens to the general government caused thereby. While I would censure no one, for these failures, who has been connected with either of these expeditions, I feel that I would not be discharging my whole duty without expressing the opinion that the plan of these campaigns was on a much larger and more expensive scale than was necessary to accomplish the object, and was not organized on a basis to insure dispatch and thereby success. In connection with this subject, I believe it to be due to Brigadier General Sully, who had command of the Expedition up the Missouri river, to mention some of the obstacles which surrounded him in the execution of his part of the campaign.

It is well known that in consequence of the unprecedented low stage of water in the Missouri river, the boats chartered to accompany the expedition were delayed much beyond the expectations of the officer in command, and when they arrived at headquarters (Sioux City) were found to be almost useless for the purpose for which they were chartered. The failure to furnish animals for land transportation also caused much delay, and when they were finally furnished, many were in a condition as to be entirely useless. The unprecedented drought, which destroyed the prairie grass, made it necessary for a much larger amount of land transportation than would have been necessary had the season been an average one. These obstacles, doubtless, prevented General Sully from moving his command in time to meet General Sibley, as was contemplated in the original design of the campaign.

After garrisoning the several military posts in the Indian country, and distributing, at proper points along the frontier, a sufficient force to protect the settlements, I am of opinion that one full regiment of cavalry, well armed and provided with pack mules, sufficient for their necessities, under the command

of active, energetic, and determined officers who have no feeling but a desire to punish and thoroughly subdue these Indians, would accomplish all these ends in one campaign, and that a short one.

With all the vigilance exercised by our officers along this frontier (and I most cheerfully accord to them the exercise of this cardinal military virtue) the Indians have made frequent raids upon our isolated settlers, have committed several most atrocious and cold blooded massacres, stolen many horses and much other valuable property, and none engaged in these raids have, to my knowledge, been in the slightest degree punished. Why this is so I am unable to say, but am irresistibly led to the conclusion that the system adopted is radically wrong. If so, and experience and results would seem to establish the position, then why not change it and try some other.

Long and rapid marches must be performed; quick and heavy blows must be given; severe and ample punishment must be inflicted upon these Indians, to effect the object desired; and it is to be hoped that such a policy will, in future, be adopted by the Government, as will speedily insure a lasting and permanent peace, and bring quiet and tranquility to our harrassed citizens.

ORGANIZATION OF DAKOTA.

Two years and eight months have now elapsed since Congress saw fit to construct the machinery for putting into operation our territorial government, and, on a change of administration, which occurred only two days thereafter, and as soon as our present excellent Chief Magistrate had fairly got the reins of Government in hand, our first Governor, his Excellency, William Jayne, was appointed, and, very soon thereafter, repaired to the post of official duty and proceeded to put the wheels of our territorial government in motion. The task was a most delicate, arduous, and difficult one, and most faithfully was it accomplished. As an evidence of the favor with which our people have looked upon and appreciated this selection of the President's; and as a just reward for constant courtesy, fairness and uniform kindness, and the impartial manner with which he discharged the trusts imposed upon him, our people,

within a little more than fifteen months after his arrival in our Territory, with great unanimity, selected him to represent them at the National Capital. He, by the choice of our citizens, thus becomes our second Delegate in Congress. Important results have been anticipated by our citizens in connection with this selection, not only from the fact of his intimate personal relations with the President, his earnest, hearty and cordial sympathy and identity with the Administration, his fidelity, patriotism and love of country, but also for his condemnation of rebels and rebel sympathizers, wherever they are found.

EDUCATION.

I would call your attention to the importance and necessity of inaugurating a thorough and complete system of common schools in this Territory, for the benefit of rising generations. Congress has, by its munificence, understanding well the importance to American citizens, set apart two sections of the public domain in our Territory to every six miles square, as a basis on which to found a permanent and enduring school system, which, if properly cared for, will, in time, enable us to establish a system of free schools, with such an endowment as will cause the burthens of such a system to fall lightly upon our citizens.

The importance of having a common head in our school system, it appears to me, must be patent to all. The plan adopted at your last session, of county superintendents, may be well as far it goes; but it appears you have in this, inaugurated just so many independent school systems as there are organized counties in the Territory. Such a system must, in a short time, lead to almost inextricable confusion, the result of which will be to bring the whole plan into disrepute.

Wise and judicious modes of education, patronized and supported by communities, will draw together the children of all grades of society, among whom it makes no distinction. It will cultivate the natural genius, elevate the soul, excite laudable emulation to excel in knowledge and benevolence, and it will reward its benefactors by shedding its benign influence on the public mind and morals. Education inures men to thinking and reflection, to reasoning and demonstration, and enables

them to discover the moral and religious duties they owe to God and their country. It leads our youth to the study of human nature, society and universal history, and causes the mind to be interested in discovering truth; and will, at least, induce a large majority to array themselves on the side of and in defence of truth.

I would recommend such an amendment of our school law, as will make these county superintendents amenable and subordinate to a territorial superintendent, who shall be elected by the people; who shall have the general supervision of our school system. It appears to me that our common school system will be very imperfect and ineffective until this is done.

I deem it of the utmost importance, in inaugurating a system of the magnitude that this will ultimately become in our Territory, to future generations, that we start on a firm, ure, and perfect basis.

ELECTION LAW.

Our election law needs amending in many particulars. Its workings have demonstrated the necessity of more stringent provisions to prevent illegal voting; for the protection of the voters and ballot box at the polls, and for the protection and safety of the persons of the judges and clerks of election.

It is desired by all, that every actual and bona fide resident of Dakota, of lawful age, who is a citizen of the United States, and has resided the requisite time in this Territory, should be permitted to exercise the privileges of the elective franchise; and especially is this the feeling, on the part of our citizens, in relation to persons in the military service of the Government, who were actual residents, and entitled to vote at the time they entered the military service. While this is the feeling, it is at the same time important that every possible safeguard should be thrown around the ballot box, to preserve its purity, in order that the actual wishes of our citizens may be arrived at, as expressed through that medium, and at the same time the law should be so guarded, that no one, not actually entitled to exercise the right of suffrage, whether in the military service or not, shall be permitted to vote at any election in this Territory, without incurring such fines and penalties as shall deter all such persons from offering to vote.

I would recommend a change in the time of holding our annual elections, from the first Monday in September, to the first Tuesday after the first Monday in October in each year; and the enactment of law making it a high crime for any person or persons, except the judges of election, or those whose duty it is made by the law, to interfere in any manner with the ballot box or the ballots, and attach such fines and penalties in such case, as will be likely to deter, in future, all efforts at interference by outsiders, in such cases.

IMMIGRATION.

The subject of fostering and promoting immigration into our new Territory, is a matter of vital importance to our whole people, and cannot well be over-estimated. The individual efforts of some of our citizens, in this respect, very justly deserves your attention and commendation, and should receive that encouragement at your hands that the importance of the subject would seem to indicate.

The efforts made by Surveyor-General Hill in this direction, though as yet attended with no very decided results, would seem to have laid the foundation for a large and flourishing settlement from the Empire State; and when made, as in this instance, from an earnest desire to promote our growth, and increase our material wealth and importance as a people, full credit and co-operation should be given him, as far as possible, on your part.

I would recommend that you memorialize Congress for an allowance of one thousand dollars, to be placed at the disposal of three commissioners of immigration, to be by them used in such manner as will be deemed most likely to secure the desired object. I have no doubt that this sum, judiciously expended, would accomplish results that would be entirely satisfactory to our citizens; even though it should be necessary for us to have this sum annually deducted from the appropriation by Congress for legislative purposes in our Territory, and, if necessary to secure it, I would recommend that you ask that this amount be deducted, from year to year, to be so applied.

With a view of securing the services of able and competent

men, who will carefully guard this expenditure, make it accomplish as much as possible, who can afford to serve gratuitously, I would recommend that our Chief Justice, Secretary, and Surveyor-General constitute the said commissioners.

ROUTE TO THE GOLD MINES.

The recent discoveries of rich deposits of gold in our neighboring territory, Idaho, has very justly attracted a large share of attention, not only in our own Territory, but in all the northwestern States and Territories; and the question of most importance among the numerous persons who have had their attention directed to this new Eldorado, and who are desirous of making a pilgrimage thereto, seems to be, "how to get there," and "which way to go."

But two routes have thus far been available, to the numerous persons who have left our Territory for this auriferous region.

The shortest, most practicable, and expeditious route, at present, is via the Missouri river, (when the stage of water is such as to admit of it,) to Fort Benton, by steamer, thence overland, by teams or pack mules, to the gold fields. The other is by a long and tedious journey overland, by way of Omaha, Forts Kearney and Laramie, to Salt Lake City—thus traveling, in taking the latter route, over six hundred miles farther than necessary to reach the desired point, provided an overland route was opened though our own Territory, and protection afforded to those desiring to visit the gold mines of Idaho.

The importance of opening a direct route to these mines, through our own Territory, and turning the tide of emigration this way, cannot well be over-estimated, either to the emigrant, or to the interest of our people. To the emigrant, as a means of shortening his long and tedious marches, by reducing the distance over six hundred miles, and by saving from three to four weeks' time. To our own citizens, by affording to our farmers a ready market for all their surplus produce, at their own doors; thus saving the necessity of cartage, and necessary absence from the fields of their labor, —and to our merchants and business men, from the increased demands made upon their stocks, and business occasioned

by the emigration flowing constantly past their doors, making it necessary for them to establish large and extensive depots of supplies, in the way of mining implements, provisions, and other articles necessary to supply the wants of a people about to engage in such a business.

The shortest, best and most practicable route to the gold fields of Idaho, from any of the Northwestern States, is undoubtedly through the settled portions of our Territory, to the mouth of the Niobrara river or Fort Randall; from thence along the divide between the Niobrara and White rivers; thence under the base of the Black Hills, passing the sources of the Yellowstone, to the Forks of the Missouri.

I trust that our delegate in Congress will, at any early day, urge this matter upon the attention of Congress, in such manner, and with such force, as will secure an appropriation sufficient to open the route and secure protection to all who may desire to avail themselves of the shortest route to these mines.

This matter is also of vast and vital importance in another point of view, from the fact that this route would pass through the very heart of the Indian country, and its effect, in my opinion, would be, in a very short time, to satisfy the Indians of the folly of their efforts to exterminate the whites, and would soon cause them to come forward, make treaties of peace and amity, and at no very distant day, lead them to locate upon reservations, and by judicious management cause them to abandon their present mode of life, and turn their attention to agriculture and the arts, ultimately civilize and enlighten them, and finally become, as they are undoubtedly capable of becoming, in the course of time, respected and esteemed citizens—no longer a terror to defenceless women and children, and a barrier to the advancement of settlement and civilization.

PACIFIC RAILROAD ROUTE.

The subject of the location of the northern branch of the Pacific Railroad is very justly attracting a large share of the attention of our citizens, and its importance to our people cannot well be over-estimated when we take into consideration the very important fact, which is susceptible of positive demonstra-

tion, that the shortest and indeed only practicable route for this road, from Sioux City westward, is through our own Territory, along the valley of the Missouri River, to the mouth of the Niobrara; thence up the valley of that stream to or near Fort Laramie; thence to the South Pass.

The saving of distance in adopting this route cannot be much less than one hundred and fifty miles, to say nothing about the difference in the cost of construction, which may be estimated at many millions of dollars, as in following the valleys of these streams a grade is already virtually established, timber and water in abundance is at hand to construct the road and supply it for years; while in the other case, in adopting the route contemplated in the bill, as passed by Congress, the road would run for a long distance over the most hilly and broken country to be found in Nebraska, at right angles, or nearly so, with the general range of divides between the streams of that Territory and through a country for several hundred miles entirely destitute of timber, and, I, suppose, for long distances, of water also; with an additional expense to the company of maintaining and operating an extra one hundred and fifty miles of railroad of the importance of the one under consideration. It appears to me that it is only necessary to call the attention of members of Congress to this subject, to cause them at once to take such action as will secure to our people a fair participation in the benefits to be derived from the construction and operation of this road.

I would recommend that you memorialize Congress on this subject, setting forth the advantages of adopting the line of route indicated, and praying Congress to authorize the Missouri and Niobrara Valley Railroad Company to construct a railroad and telegraph line from the Big Sioux River, near Sioux City, Iowa, by the most direct and feasible route to such point as will connect said railroad with the Union Pacific Railroad, in the direction of the South Pass of the Rocky Mountains, on the same terms as is provided for the Union Pacific Railroad, by act of Congress, approved July 1st, 1862.

PUBLIC DOMAIN.

None of the public domain in our Territory having, as yet,

been brought into market by the General Government—a fact which happily accords with the present desire of our citizens, who all feel that in this matter the Government has consulted the best interests of our actual settlers—we have inaugurated no system of taxation, and as a consequence, have no means at hand of showing, by actual and reliable returns, the favorable condition of our citizens engaged in agriculture, manufacture or the arts, or the large and important interests of our stock growers. While this would be a matter of pride and boast to our citizens, when compared with other sections of the country, taking into consideration our population, and the recent purchase and redemption of our Territory from the Indians, we all feel that it would not be compensated for, by placing the public lands in a position to be entered by speculators or non-residents, to be held for years at a largely enhanced price, to the great detriment of our Territory and our actual bona fide settlers.

We can but feel thankful to the Government for its liberality to us in this respect, particularly when we consider the enormous amount of money required, and the great relief that would be afforded by large sales of the public domain.

Here free homes are offered by our beneficent Government to all actual settlers, in a country unsurpassed in salubrity and purity of climate, and where whole townships, and even counties, of vacant lands are found, as productive as the savannas of the South. There are to-day thousands of men in the Eastern and Middle States that have constantly toiled from year to year for a subsistence for themselves and families, on a few acres of well worn rented land, and paying, in many cases, a price per acre for the use of such land per annum, as would secure in our Territory a homestead of one hundred and sixty acres of as fine and productive lands as the sun ever shone upon, every foot of which is susceptible of the highest state of cultivation, at less cost in labor than in any country to be found in the Eastern or Middle States. The small farmers in these States, have only to see these lands and all the surrounding advantages, to appreciate the liberality of the Government, and the great advantage of seeking a home in our Territory, where but a few years of the same industry and economy practiced by

them in their Eastern homes, from childhood, would be requisite to make them all comparatively independent, in a pecuniary point of view.

LEGISLATIVE EXPENSES.

Through the courtesy of Secretary Hutchinson, who has performed the double duties of Acting Governor and Secretary for the last nine months, and who, so far as I am able to judge has discharged these double duties to the general satisfaction of our citizens, and from a desire to furnish information not only interesting to you, but also the people, I am enabled to lay before you a statement of the condition of the several appropriations made by Congress to defray the Legislative expenses in this Territory from its organization to the present time, which includes two Legislative appropriations, or years:

1st Session, Appropriation, - - -	$20,000,00
Expended, - - - - - -	18,813,94
Unexpended Balance - - - -	$1,186,06
Second Session, Appropriation, - -	$20,000,00
Expended, - - - - - -	13,270,70
Unexpended Balance, - - - -	$6,729,20

It was to be expected that the expenditure the first year would exceed that of any other year, from the fact that the first Legislature had necessarily to create and perfect as far as possible a system of laws for the government of our people. The amount of labor performed by that industrious and honorable body in a session of sixty days, can but be a source of gratification to those gentlemen.

Subsequent legislatures have only to improve and perfect the system then adopted, by wise and judicious amendments, such as usage and the light of experience would seem to indicate, and make such alterations as are demanded by the improved condition of our citizens, and the necessities of the times in which we live. The reduction of expenditures under this head of five thousand five hundred and forty-three dollars and fourteen cents at the second session, is the best commentary that can be made on the action of the members composing that body, and is

an example in this respect well worthy of imitation on your part, and it is to be hoped that you may still further reduce our legislative expenses, (notwithstanding our decided increase of representation) without prejudice to the interests of the public service.

AUDITOR'S REPORT AND MILITIA SERVICE.

I transmit herewith the full and very able report of our Territorial Auditor, to whom much credit is due for the fidelity with which he has discharged his laborious and arduous duties. Incorporated in the report of the Auditor is that of Hon James Tufts, Special Commissioner, by act of our last Legislative Assembly, approved January 9, 1863, to pass upon the claims of our citizens for military services under the proclamation of my predecessor, issued on the 30th day of August, 1862, calling out the "entire militia of the Territory," for the protection of the lives and property of our citizens.

With great promptness and unanimity our citizens responded to the call of the Governor; remained in service, and afforded ample and perfect protection until the immediate danger was over, and until relieved by a force of volunteers regularly mustered into the service of the United States.

The best commentary on the faithfulness and fidelity of Commissioner Tufts in the discharge of his delicate duties, is shown in the aggregate of these claims, which only amounts to $28,-137,17, twenty-eight thousand one hundred and thirty-seven dollars and seventeen cents, for two months' services of our militia, including rations, forage, transportation, &c. These figures can but compare favorably with claims of like character which have accrued in other Territories, under similar circumstances. I would renew the recommendation of my predecessor, in his last annual message, that you memorialize Congress for an appropriation sufficient to refund to the Territory all the expenses incurred by her in providing for the maintenance of the militia on the occasion referred to.

ADJUTANT GENERAL'S REPORT.

I transmit herewith the report of Adjutant-General C. P. Booge, which shows the present status of military matters in the Territory, so far as returns have been made to his office;

but which, owing to the negligence of some of the company officers, and the imperfection of the law creating our militia system, are necessarily very imperfect and unsatisfactory in their details.

In case injustice is done to individuals, it is caused by the negligence of the officers in not making the proper returns to the Adjutant General.

The reforms recommended by General Booge are such as experience has shown to be necessary; and I hope you will provide an efficient law, and a suitable place to store the arms and property of the Territory.

MILITARY POSTS.

The subject of military protection is one in which all our citizens take a deep interest, and it is one of vital importance to us, as, unless ample protection is afforded by the Government, we cannot expect our isolated settlements will flourish and expand.

I am fully convinced that a line of military posts, extending from the Minnesota State line, across the southeastern portion of this Territory, intersecting the Missouri River near the mouth of Crow Creek, under the command of officers who will make themselves active in the discharge of their duties, will afford our settlers, and those of northwestern Iowa and southwestern Minnesota, better protection, at less cost to the Government, than can be afforded in any other way. Should the Government see fit to establish military posts at Lake Shetek, in Minnesota; at or near Sioux Falls, and at the crossing of Dakota River, near the mouth of Flint Creek, in this Territory; with proper energy and activity on the part of the troops at these several stations, I believe full, ample, and perfect protection could be afforded to all the frontier settlers of Minnesota, Iowa and Dakota.

COUNTY CONTROVERSIES.

An unfortunate controversy has existed in two of our organized counties, from the time of their organization under the laws passed at the first session of the Legislature, to the present, and to all appearance, is no nearer a satisfactory solution than when first inaugurated. This controversy has been a

source of much anxiety and regret to our citizens generally, and has had a most damaging and deleterious effect upon the prosperity and development of the counties wherein it exists; and, what is more to be regretted, has been the cause of fostering and keeping alive an ill feeling among neighbors and those who would otherwise be warm personal and political friends. I hope, in your wisdom, you will devise some means of settling and disposing of these unfortunate controversies, which shall have the merit of being strictly just to all the citizens of Bon Homme and Cole counties, and rely on time, and strict justice, to heal the unfortunate differences and ill feeling which now exist in those counties.

CONCLUSION.

Hoping that your deliberations may be characterized by such courtesy, forbearance and justice, as to give no ground of complaint on the part of any one, I solicit from you your counsel and hearty co-operation in all measures calculated to promote the well-being of Dakota.

I deem it my duty, and it will be a pleasure to me, to furnish you all the information within my reach, calculated to aid you in your deliberations, in arriving at just and equitable conclusions on all subjects, and I shall most cheerfully and heartily co-operate with you in all measures calculated to promote our growth and iucrease onr material wealth and prosperity.

In conclusion, allow me to express the hope that ere the return of the next annual meeting of the Legislature, we may, through the aid of Divine Providence, look upon a reunited, peaceful, happy, and free country.

NEWTON EDMUNDS.

On motion of Mr. Bond,
Joint convention adjourned.

Mr. Lawrence offered the following:

Resolved, That two thousand copies of the Governor's message be printed for the use of this House,

Which was adopted.

Mr. Lawrence moved that the Governor's message be referred to a committee of the whole on Monday next, at eleven o'clock, A. M.

On motion of Mr. Brookings,

The House adjourned until to-morrow, at ten o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 10, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Ross, Shriner, Wall, and Mr. Speaker.

Yesterday's Journal read, corrected, and approved.

Mr. Litchfield gave notice that on to-morrow or some future day he would introduce a bill conferring the right of citizenship upon Zeffier Renconter.

Mr. Lawrence gave notice that on to-morrow or some future day he would introduce a bill for an act legalizing the election of C. F. Picotte and Ole Sampson, as county commissioners for Yankton county.

Mr. Bond introduced H. F. No. 1, entitled An Act locating a territorial road from Vermillion to Yankton, which was

Read first and second time, and

Referred to committee on internal improvements.

Mr. Gore introduced H. F. No. 2, entitled An Act to an-

nul the seventh council and representative districts of Dakota, which was

Read first and second time, and

Referred to committee on elections.

Mr. Larson introduced H. F. No. 3, entitled An act to amend an act entitled "an act to designate the time of holding the general election, and provide for the election of a delegate to Congress," which was

Read first and second time, and

Referred to committee on elections.

On motion of Mr. Brookings,

The House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 11, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Yesterday's journal read and approved.

On motion of Mr. Lawrence,

The House took a recess of twenty-five minutes.

House called to order.

Mr. Brookings, chairman of committee to whom was referred H. F. No. 2, reported back a substitute and recommended its passage.

Mr. Wherry moved that H. F. No. 2 be recommitted to a special committee of three, and demanded the ayes and noes.

Mr. Bond moved that the report of the committee be made a special order for Tuesday next, at 11 o'clock, A. M.

Mr. Brookings moved to lay the motion on the table.

Mr. Wherry demanded the ayes and noes, which resulted as follows:

Those voting in the affirmative were,

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Ross, Shriner, and Wall—13.

Those voting in the negative were,

Messrs. Bond, Bottolfson, Kegan, Pratt, Reed, Risling, Wherry, and Mr. Speaker—8.

The question recurring upon the motion of Mr. Wherry for a recommittal to a special committee,

The ayes and noes were called for.

Mr. Brookings moved to lay upon the table,

On which motion,

Mr. Wherry demanded the ayes and noes, which resulted as follows:

Those voting in the affirmative were,

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Risling, Ross, Shriner, and Wall—14.

Those voting in the negative were,

Messrs. Bond, Bottolfson, Kegan, Pratt, Reed, Wherry, and Mr. Speaker—7.

Mr. Wherry moved to indefinitely postpone.

The ayes and noes being called, the vote was as follows:

Those voting in the affirmative were

Messrs. Kegan, Pratt, and Wherry—3.

Those voting in the negative were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Cur-

tis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker—18.

The motion was lost.

Mr. Brookings moved that the House resolve itself into committee of the whole to consider the report of committee.

Mr. Bond moved to lay the motion on the table,

Which was lost.

The question being upon the original motion, it

Prevailed.

The Speaker called Mr. Bond to the chair.

Mr. Larson moved that the report of the committee be adopted.

After some time spent in discussion,

Mr. Brookings moved that the committee do now arise and report back the substitute of the committee and recommend its adoption,

Which motion prevailed.

The committee, through their chairman, then made the following report:

MR. SPEAKER:—The committee instruct me to report the substitute back to the House and recommend its passage.

E. M. BOND, Ch'n.

Which report was adopted.

Mr. Bond gave notice that on to-morrow. or some future day, he would introduce a bill for an act to amend chapter thirty-two of the code.

Mr. Bottolfson gave notice that on to-morrow, or some subsequent day, he would introduce a bill legalizing the acts of all the county officers of Clay county.

Mr. Wherry gave notice that on to-morrow, or some future day, he would introduce a memorial to Congress relative to bridging the L'Eau-qui-Court, or Niobrara river.

Mr. Lawrence introduced H. F. No. 4, which was

Read first and second times, and

Referred to committee on elections.

Mr. Litchfield introduced H. F. No. 5, which was

Read first and second times, and

Referred to committee on judiciary.

Mr. Lawrence moved to adjourn, which was
Lost.

H. F. No. 2 being put upon its final passage,
The ayes and noes were called for, which resulted as follows:
Those voting in the affirmative were,
Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—16.

Those voting in the negative were,
Messrs. Bond, Kegan, Pratt, and Wherry—4.

On motion of Mr. Brookings,
The House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

SIXTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 12, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:
Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Absent—Mr. Brooks.

Upon request of Mr. Litchfield,
Mr. Brooks was granted leave of absence.

Yesterday's journal read.

On motion of Mr. Brookings,

A committee of two were appointed to act with the clerk to correct the journal.

The chair appointed as said committee,

Messrs. Brookings and Wherry.

Mr. Brookings gave notice that on Monday or some future day, he would ask leave to introduce a memorial to Congress praying for a land grant to the Minnesota and Dakota Railroad Company.

Mr. Curtis gave notice that on Monday or some future day of the session, he would offer a bill legalizing the acts of Wm. Frisbie, Wm. Mathers, and John R. Wood, as county commissioners; and M. M. Rich, as register of deeds, of Cole county.

Mr. Litchfield gave notice that on Monday or some future day, he would introduce a bill for an act to locate a Territorial road between Yankton and Fort Randall.

Mr. Hill gave notice that he would on Monday or some future day of the session, offer a bill authorizing John Cain and Cornelius Cain to establish and keep a ferry on the Missouri river.

Mr. Brookings introduced H. F. No. 6, which was

Read first and second times, and

Referred to committee on incorporations.

Mr. Bond moved that the committee on internal improvements be instructed to report back H. F. No. 1 this morning.

A division being called,

The motion was lost.

On motion of Mr. Brookings,

The House took a recess of fifteen minutes, to enable the committee to correct the journal.

Which duty being accomplished,

The House was called to order.

The journal was then approved.

Mr. Brookings moved to adjourn;

Which was withdrawn.

Mr. Lawrence gave notice that on Monday or some subse-

quent day of the session, he would introduce a memorial asking for an increase of mail service from Sioux City, Iowa, to Fort Randall, Dakota Territory.

Mr. Bond moved that rule 53 of House rules be made to conform with rule 8 of joint rules.

Mr. Brookings moved that rule 53 be stricken out.

Mr. Bond withdrew his motion.

The question being upon the motion of Mr. Brookings,
The motion prevailed.

On motion of Mr. Wherry,
The House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 14, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Absent—Messrs. Brooks, Reed, and Risling.

The journal of Saturday was read and approved.

A. K. Curtis, assistant clerk, was sworn by the speaker, and entered upon his duties.

Mr. Brookings, chairman of committee on judiciary, reported back H. F. No. 5, with an amendment, and recommended its passage.

Mr. Lawrence, chairman of committee on internal improvements, to whom was referred H. F. No. 1, reported the same back, with an amendment, and recommended its passage.

Mr. Brookings moved that the report be adopted,

Which motion prevailed.

Mr. Brookings, chairman of committee on elections, to whom was referred H. F. No. 4, reported the same back, and recommended its passage. Also, H. F. No. 3, without recommendation.

Which report was adopted.

Mr. Brookings moved that H. F. No. 3 be laid on the table.

Which motion prevailed.

Mr. Wherry gave notice that on to-morrow or some future day, he would introduce a bill for the organization of counties north of Gregory and Brughier counties, between the northern boundaries of said counties and the Territory of Idaho. Also, a memorial to Congress asking for a weekly mail route from Fort Randall to Fort Sully.

Mr Shriner gave notice that at some future day, he would introduce a bill to abolish the act in chapter 57 of the session laws, approved January 3, 1863.

Mr. Gore gave notice that on to-morrow or some subsequent day, he would introduce a bill for the establisment of a territorial road from the Big Sioux river, at some point on section 28, town 92 north, range 49 west, to Yankton.

Mr. Bond gave notice that on some subsequent day of the session, he would introduce a bill for an act defining the office of assessor and collector of taxes.

Mr. Larson gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill for an act granting to Ole Sampson a ferry charter across the Missouri river, opposite St. Helena, in Nebraska Territory.

Mr. Bottolfson introduced H. F. No. 7, which was

Read first and second times, and

Referred to committee on elections.

On motion of Mr. Brookings,

H. F's. Nos. 1 and 5 were ordered to be engrossed for third reading to-morrow.

H. F. No. 4 was read third time,

Passed, and

Title agreed to.

M. Pratt moved that the House take a recess of twenty-five minutes.

Mr. Brookings moved to amend, by saying fifteen.

Which was withdrawn.

The question recurring upon motion of Mr. Pratt,

The motion prevailed.

House called to order.

The House resolved itself into committee of the whole, at eleven o'clock, to consider the Governor's message.

The speaker called Mr. Brookings to the chair.

After some time spent in committee of the whole, the committee arose, and through their chairman, made the following report:

MR. SPEAKER:—The committee of the whole, having had under consideration the Governor's message, would recommend that all that part relating to the Sioux war, military posts, and the Auditor's report, be referred to the committee on military affairs: that part to education, to the committee on education; that part relating to immigration, to the committee on internal improvements; that part relating to gold mines, to committtee on mines and minerals; that portion relating to the Pacific railroad, to committee on federal relations; that portion relating to the public domain, to committee on public lands; that portion relating to legislative expenses, to committee on ways and means, and that portion relating to county controversies, to the committee on towns and counties.

W. W. BROOKINGS, Ch'n.

Which report was adopted.

On motion of Mr. Bond,

The House adjourned until to-morrow at eleven o'clock.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

NINTH DAY.

HOUSE OF REPRESENTATIVES
YANKTON, Dec. 15, 1863.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker.

Absent—Mr. Litchfield.

Yesterday's journal read and approved.

Mr. Brookings, chairman of committee on Elections, to whom was referred H. F. No. 7, reported the same back and recommended its passage.

Mr. Hill, of committee on Engrossment, reported H. F's No. 1 and 5, as correctly engrossed.

Mr. Bond introduced H. F. No. 8, which was
Read first and second times and
Referred to committee on Education.

Mr. Hill introduced H. F. No. 9, which was
Read first and second times and
Referred to committee on Towns and Counties.

Mr. Litchfield introduced H. F. No. 10, which was
Read first and second times and
Referred to committee on Towns and Counties.

Mr. Lawrence introduced H. F. No. 11, which was
Read first and second times and
Referred to committee on Federal Relations.

Mr. Bond moved that a committee of one be appointed by the Speaker to act with a like committee which may be appointed by the Council, to revise the Election Laws; and that said committee be instructed to report a printed copy for the consideration of this assembly.

Which motion prevailed.

Whereupon the Speaker appointed as said committee, Mr. Bond.

The following message was received from the Council:

COUNCIL CHAMBER,
December 15, 1863.

MR. SPEAKER:—I have the honor herewith to transmit to your honorable body, for its concurrence therein, C. B. No. 6, "An act repealing certain acts and parts of acts therein named," also, C. B. No. 2, "An act granting to Abram Van Osdel and his heirs and assigns, the right to keep and maintain a Ferry on the Dakota River." Both of which bills have passed the honorable Council.

J. R. HANSON,
Secretary.

Council. Bill No. 2, was
Read first and second times and
Referred to committee on Internal Improvements.

Council Bill No. 6, was
Read first and second times and
On motion of Mr. Lawrence
The rules were suspended and it was read third time and
Put upon its final passage.

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker—17.

Those voting against its passage were
Messrs. Bond, Kegan, Pratt, and Wherry—4
The bill was declared passed and
The title agreed to.

H. F. No. 1, was read third time and
Put upon its final passage
Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

The bill was declared passed and
The title agreed to.

H. F. No. 5, was read third time and
Put upon its final passage.

Those voting for its passage were
Messrs. Bottolfson, Brookings, Brooks, Curtis, Gore, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Wall, Wherry, and Mr. Speaker—17

Those voting against its passage were
Messrs. Bond, Burgess, Hill and Shriner—4
The bill was declared passed and
The title agreed to.

H. F. No. 7 was read third time and
Put upon its final passage.

Those voting for its passage were
Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—21.

Noes—None.

The bill was declared passed and
The title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER.
December 15, 1863.

MR. SPEAKER:—I am instructed by the honorable Council, to inform your honorable body, that Mr. Kingsbury has been appointed a committee to act with a like committee on the part of your body, to revise the Election Law, agreeably with the request of your body.

J. R. HANSON,
Secretary.

On motion of Mr. Brookings
The House adjourned until to-morrow 11 at o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 16, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Absent—Mr. Litchfield.

Yesterday's journal read, corrected and approved.

Mr. Lawrence, chairman of committee on internal improvements, to whom was referred C. B. No. 2, reported the same back and recommended its passage.

Mr. Gore, chairman of committee on federal relations, to whom was referred H. F. No. 11, reported the same back and recommended its passage without amendment.

Mr. Bond, chairman of committee on education, to whom was referred H. F. No. 8, reported the same back without amendment, and recommended its passage.

Mr. Kegan, of committee on elections, submitted the following views of the minority in the matter of the contested seats, by members from Bon Homme and Cole counties:

MR. SPEAKER:—I beg leave, as one of the members of the standing committee on elections, to whom was referred the matter of contest between the members from Bon Homme and Cole counties, to present this, my *minority report*, hereby entering my protest, together with my reasons why the *majority report* already offered, should not be accepted. The undue haste with which the majority of your committee disposed of the subject matter in question, would seem to indicate a disposition, regardless of facts and evidence, to discharge their duty, as a committee, more with expedition than good judgment.

The evidence in the case of the Bon Homme members was as follows: It appeared that both delegations, R. M. Johnson (G. L. Tackett being absent,) and L. H. Litchfield and Henry Brooks, claiming seats, presented to your committee certificates of election—the former issued by W. W. Warford and the latter by L. H. Litchfield, as register of deeds of said Bon Homme county. The majority of your committee decided the certificates issued by L. H. Litchfield to be legal, and recommended the admission of L. H. Litchfield and Henry Brooks to seats in this House. To this decision the minority of your committee protest for the following reasons: By an act passed by your legislature, and approved by his Excellency the Governor, on the 24th April, 1862, the Governor was "authorized to nominate, and, with the advise and consent of the Council, appoint the officers mentioned in this act, to hold their respective positions until the first general election, and their successors are elected and qualified." That H. W. Granger was nominated by the Governor, and *confirmed* by the Council as register of deeds of Bon Homme county; that H. W. Granger appointed W. W. Warford his deputy, who was authorized to act for him.

By reference to the House Journal of 1862–3, page 109, in answer to resolution "passed" by this House, "requsting the Secretary of the Territory to furnish the names of the registers of deeds appointed and elected since September 1st, 1862," you will find the name of H. W. Granger recorded as register of deeds of Bon Homme county. It also appears that a second appointment was made to L. H. Litchfield, in August, 1862, just one month previous to the election held on the 1st September, 1862,—no legislature intervening he was consequently not appointed "with the advise and consent of the Council," and was not, therefore, legally authorized to act as register of deeds for said county; that at the election held on the 1st of September, 1862, W. W. Warford was declared, by his own certificate as deputy of H. W. Granger, the register of deeds of Bon Homme county, having received the highest number of legal votes cast at said election, and duly qualified before county commissioners who were elected and qualified as provided by law. It also appeared, by evidence to your com-

mittee, that a majority of the legal votes of Bon Homme county were cast for R. M. Johnson, and that non-residents and half-breeds were allowed to vote for the said L. H. Litchfield and Henry Brooks, as by reference to their poll books will be seen the names of Colin Campbell, Benj. Cadotte, Zeffier Renconter, Baptice ———, —— Foster, —— Beam, —— Clarke, —— Cook, and —— Proteau, registered as voters of said county.

The minority of your committee, therefore, in view of the foregoing facts protest against the acceptance of said majority report.

In the matter of the parties contesting seats from Cole county, the majority of your committee were, in my opinion, equally, if not more hasty, in their conclusions, than in the Bon Homme case, to which the minority of your committee also, most solemnly, protest, as illegal, unjust, and an egregious wrong perpetrated upon an honest people, and most flourishing county—containing nearly as large a population as the balance of the Territory.

The facts and evidence before your committee in this case were as follows, to wit: That there were presented to your committee, certificates issued by two persons, both claiming to be registers of deeds for said county—one issued by H. S. Carpenter, and one by M. M. Rich, now holding a seat in the Council; that a majority of your committee reported in favor of Messrs. Gore, Curtis, Mattison, Hill, and Ross, holding certificates issued by M. M. Rich as register of deeds, in lieu of Messrs. Watson, Ryan, Le Marge, McBride, and Cross, holding certificates issued by H. S. Carpenter. By reference to House Journal, 1862–3, page 109, mentioned in the Bon Homme matter, it will be seen that the honorable Secretary of the Territory has returned to this House the name of N. J. Wallace as register of deeds for Cole county, and that he was "informed that M. M. Rich had been appointed in place of N. J. Wallace, in September, 1862." This does not appear to the minority of your committee as being a legal appointment, M. M. Rich not having been confirmed by the Council, as required by law, and the appointment, if any, dated after the general election held on the first day of September, A. D. 1862,

in which H. S. Carpenter was duly elected, and holds his certificate signed by N. J. Wallace, who was confirmed by the Council, as register of deeds for said county—and the said H. S. Carpenter having duly qualified before the county commissioners of Cole county, as required by law. It also appeared, in evidence to your committee, that the said Watson, Ryan, Le Marge, McBride, and Cross, received the majority of the legal votes of Cole county. The so called Brule Creek delegation, Messrs. Gore, Curtis, Mattison, Hill, and Ross, receiving between 20 and 30 votes, while the so called Elk Point delegation, Messrs. Watson, Ryan, Le Marge, McBride, and Cross, received between 60 and 65 votes—there being no evidence of fraudulent votes being cast in either case at this election. As the majority of your committee have rested the case upon the bare fact of the certificate signed by M. M. Rich, claiming to be register of deeds, regardless of the honest expressions of the majority of the people of Cole county, I now protest against the reception of the majority report, not only on account of illegality, but as disregarding the wishes and interest of said Cole county, in violation of law, right, and justice.

PETER KEEGAN.

Mr. Brookings moved to lay the report on the table, for future consideration,

Which motion prevailed.

Mr. Gore, chairman of committee on enrollment, reported C. B. No. 6 as correctly enrolled.

Mr. Bond gave notice that on some subsequent day he would introduce a bill for an act incorporating a bridge company at Vermillion, and for other purposes.

Mr. Lawrence gave notice that on to-morrow, or some future day, he would introduce a bill granting to J. B. Greenway a ferry across the Dakota river.

Mr. Curtis gave notice that on to-morrow, or some future day, he would introduce a bill for an act to locate a territorial road from Vermillion to Paul Pacquette's ferry, on the Big Sioux river.

Mr. Shriner introduced H. F. No. 12, which was

Read first and second times and
Referred to committee on judiciary.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred H. F. Nos. 9 and 10, reported the same back without amendment, and recommended their passage.

Mr. Litchfield offered the following resolution:

Resolved, That order of business No. 11, in rule No. 44, be stricken out.

Which was adopted.

Council Bill No. 2, was
Taken up,
Read third time, and
Put upon its final passage.

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker— 21.

Noes—None.
The bill was declared passed, and
Title agreed to.

H. F. No. 8, was read third time, and
Put upon its final passage.

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—21.

Noes—None.

The bill was declared passed, and
Title agreed to.

H. F. No. 2, was read third time, and
Put upon its final passage.

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtiss, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mat-

tison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—21.

Noes—None.

The bill was declared passed, and

Title agreed to.

H. F. No. 10 was ordered to be engrossed for third reading to-morrow.

H. F. No. 11 was taken up,

Read third time, and

Put upon its final passage.

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—21.

Noes—None.

The bill was declared passed, and

Title agreed to.

On motion of Mr. Lawrence,

The House adjourned until to-morrow, at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*

THAHLON GORE, *Chief Clerk.*

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 17, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Absent—Messrs. Brookings, Gore and Reed.

Mr. Brookings was granted leave of absence for sickness.

Yesterday's journal read and approved.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 10, as properly engrossed.

Mr. Shriner gave notice that on some future day of the session, he would introduce a bill concerning guardians and wards.

Mr. Lawrence introduced H. F. No. 13, which was
Read first and second times and
Referred to committee on incorporations.

Mr. Curtis introduced H. F. No. 14, which was
Read first and second times and
Referred to committee on towns and counties.

Mr. Litchfield offered the following:

Resolved, That order of business, No. 12, in rule No. 44, be amended by striking out the words "the same," and insert in lieu thereof "house bills."

Which was adopted.

H. F. No. 10, was taken up
Read third time and
Put upon its final passage.

Those voting for its passage were
Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—18

Noes—None.

The bill was declared passed and
Title agreed to.

On motion of Mr. Lawrence,
The House adjourned until to-morrow at eleven o'clock.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 18, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

On motion of Mr. Hill

Mr. Gore was excused for non-attendance yesterday on account of sickness.

Yesterday's journal read and approved.

Mr. Gore, of committee on judiciary, to whom was referred H. F. No. 12, reported the same back to the House, and recommended its passage.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred H. F. No. 14, reported back the same with an amendment, and recommended its passage.

Mr. Hill, chairman of committee on incorporations, to whom was referred H. F. No. 6, reported the same back to the House without amendment, and recommended its passage.

The following message was received from the Council:

COUNCIL CHAMBER,
December 18, 1863.

MR. SPEAKER:—I have the honor of informing your honorable body that the Council has concurred in and passed the following H. F's, to wit:

H. F. No. 4, "An act legalizing the election of C. F. Picotte and Ole Sampson as county commissioners of Yankton county."

H. F. No. 5, "An act conferring the rights of citizenship

upon Zephier Renconter, A. Renconter, Charles J. Brazeau, Peter Grant and Battis Bufort."

H. F. No. 7, "An act legalizing the acts of certain county officers of Clay county." and

H. F. No. 1, "An act locating a territorial road from Vermilion to Yankton."

All of which I herewith return to your body.

I have also to inform you that the Council has passed C. B. No. 4, "An act regulating weights and measures," which bill I herewith transmit to your body respectfully requesting your concurrence therein.

J. R. HANSON,
Secretary.

Mr. Hill, chairman of committee on incorporations to whom was referred H. F. No. 13, reported the same back to the House and recommended its passage.

Mr. Bond gave notice that on to-morrow, or some future day, he would introduce a bill for an act providing the manner of contesting the election of county officers.

Mr. Reed gave notice that on to-morrow or some future day of the session, he would introduce a bill for a fence law, and to create the office of fence viewers.

Mr. Lawrence gave notice that on to-morrow or some subsequent day of the session he would introduce a memorial asking for an appropriation to defray the expenses incurred by the militia on the borders of Dakota Territory in 1862.

Mr. Puett gave notice that on to-morrow or some subsequent day of the session, he would introduce a memorial to Congress asking for a grant of land to aid in the construction of a Territorial University.

Mr. Bond introduced H. F. No. 15, which was
Read first and second times, and
Referred to committee on incorporations.

Mr. Lawrence introduced H. F. No. 16, which was
Read first and second times, and
Laid over for third reading to-morrow.

Mr. Lawrence introduced H. F. No. 17, which was
Read first and second times and

Referred to committee on public lands.

Council. Bill No. 4, was
Read first and second times and
Laid over for third reading to-morrow.

H. F. No. 6, was read third time and
Made the special order of Wednesday next at 11½ o'clock.

H. F. No. 12 was taken up
Read third time and
Put upon its final passage.

Those voting for its passage were
Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—None.

The bill was declared passed, and
The title agreed to.

H. F. No. 13, was taken up
Read third time and
Put upon its final passage

Those voting for its passage were
Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfiel Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—21.

Noes—None.

The bill was declared passed and
The title agreed to.

The amendment to H. F. No. 14, which was recommended by the committee on towns and counties was adopted.

It was then ordered to be engrossed for third reading to-morrow.

On motion of Mr. Wherry,
The House adjourned until to-morrow at 11 oclock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 19, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Brooks, Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Absent—None.

Yesterday's journal was read, corrected and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Dec. 19, 1863.

MR. SPEAKER:—I have the honor of informing you that the Council has concurred in and passed the following H. F's, to wit:

H. F. No. 10, an act to locate a territorial road from Yankton to Fort Randall, and

H. F. No. 11, a memorial to the Hon P. M. General, asking for an increase of speed and mail service on mail route No. — from Sioux City, Iowa, to Fort Randall, D. T.

Both of which bills I herewith return to your body.

The Council has also passed the following bills, to wit:

C. B. No. 8, an act granting to John Stanage a charter for a ferry on the Dakota river.

C. B. No. 9, an act granting to Saby Strahm a charter for a ferry on the Missouri river at Yankton.

C. B. No. 12, an act to establish a territorial road commencing at Paquett's ferry, on the Big Sioux river, by way of Richland, Commerce City, to Sioux Falls.

And C. B. No. 13, an act incorporating the Historical Society of Dakota.

All of which bills, I have the honor herewith to transmit, respectfully soliciting the concurrence of your honorable body therein.

J. R. HANSON,
Secretary.

Mr. Hill, chairman of committee on incorporations, to whom was referred H. F. No. 15, reported the same back to the House without amendment, and recommended its passage.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 14 as properly engrossed.

Mr. Gore, chairman of committee on enrollment, reported C. B. No. 2 as correctly enrolled.

Mr. Bond introduced H. F. No. 18, which was
Read first and second time, and
Referred to committee on elections.

Mr. Larson introduced H. F. No. 19, which was
Read first and second times, and
Referred to committee on incorporations.

Mr. Gore introduced H. F. No. 20, which was
Read first and second time, and
Referred to committee on internal improvements.

Mr. Bottolfson introduced H. F. No. 21, which was
Read first and second times and
Referred to committee on incorporations.

C. B. No. 8 was read first and second times, and
Referred to committee on incorporations.

C. B. No. 9 was read first and second times, and
Referred to committee on internal improvements.

C. B. No. 12 was read first and second times, and
Referred to committee on public lands.

C. B. No. 13 was
Laid over for third reading on Monday.

C. B. No. 4 was read third time, and
On motion of Mr. Bond, was
Referred to select committee of three.
The chair appointed as said committee,
Messrs. Bond, Lawrence, and Litchfield.

H. F. No. 14 was read third time, and
Put upon its final passage.
Those voting for the passage of the bill were
Messrs. Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—16.
Those voting against its passage were
Messrs. Bond, Bottolfson and Kegan—3.
The bill was declared passed, and
The title agreed to.

H. F. No. 15 was read third time and
Put upon its final passage.
Those voting for the passage of the bill were
Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker —20.
The bill was declared passed and
The title was agreed to.

H. F. No. 16 was read third time and
Put upon its final passage.
Those voting in favor of its passage were
Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Wall—15.
Those voting against its passage were

Messrs. Bond, Kegan, Pratt, and Mr. Speaker.—4.
The bill was declared passed and
The title agreed to.

On motion of Mr. Lawrence,
The House adjourned until Monday, at 11 A. M.

A. W. PUETT, *Speaker.*
MAHLON GORE, *Chief Clerk.*

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES
YANKTON, Dec. 21, 1863.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

The following message was received from the Council:

COUNCIL CHAMBER,
Dec. 21, 1863.

MR. SPEAKER:—I have the honor of informing your honorable body that the Council has concurred in and passed

H. F. No. 9, "An act authorizing John Cain and Cornelius Cain to establish and keep a ferry on the Missouri river,"

Which bill I herewith return to your body.

I have also to inform you that the Council has passed the following C. B's, to wit:

C. B. No. 15, "An act legalizing the official acts of Laban H. Litchfield, as Register of Deeds of Bon Homme county,"

And C. B. No. 18, "An act authorizing the Governor to appoint an auditor and Treasurer of the Territory of Dakota."

Both of which bills I have the honor herewith to transmit to your body, respectfully soliciting your honorable concurrence therein.

J. R. HANSON,
Secretary.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Ross, Shriner, Wall, and Mr. Speaker.

Absent—Messrs. Brooks, Risling and Wherry.

On motion of Mr. Hill

Mr. Risling was excused for absence on account of sickness.

On motion of Mr. Litchfield

Mr. Brooks was excused for non-attendance on account of sickness.

Yesterday's Journal read and approved.

Mr. Lawrence, chairman of committee on internal improvements, to whom was referred C. B. No. 9, reported the same back without amendment and recommended its passage.

Mr. Shriner, chairman of committee on public lands, to whom was referred H. F. No. 17, reported that the committee had found that chapter thirty of the code, provided in substance for the same, and therefore recommend its indefinite postponement.

Mr. Hill, chairman of committee on incorporations, to whom was referred H. F's No's 19 and 21, reported the same back without amendment and recommended their passage. Also, C. B. No. 8, which he reported back without amendment and recommended its passage.

Mr. Gore, chairman of committee on enrollment, to whom was referred H. F's No's 5, 10, and 11, for enrollment, reported the same back correctly enrolled.

Mr. Reed gave notice that on to-morrow or some future day of the session, he would introduce a bill to encourage the raising of sheep, and to encourage home industry and home manufactures.

Mr. Bond gave notice that on some subsequent day of the session he would introduce a bill for an act authorizing Louis Amerson and Mons Nelson to keep a ferry on the Missouri river.

Mr. Lawrence gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an act regulating proceedings against garnishees.

Mr. Litchfield gave notice that on to-morrow or some future day he would ask leave to introduce the following bills, to wit. Acts repealing chapters 10, 12, 20 and 23 of the private laws approved respectively, April 21, 30 10 and 30, 1862.

Mr. Lawrence gave notice that he would, on to-morrow or some future day of the session, introduce a bill for an act to create a lien in favor of farmers and others.

Mr. Kegan offered the following.

Resolved, That Mr. Wherry be excused for non-attendance on account of sickness.

Which resolution was adopted.

C. B. No. 15 was read first and second times and

Referred to committee on towns and counties.

C. B. No. 18 was read first and second times,

Mr. Bond moved to so amend that by its provisions, it shall require the appointments to be confirmed by the Council.

The ayes and noes being called on the adoption of the amendment, the vote was as follows:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Burgess, Kegan, Litchfield, Pratt and Wall—7.

Those voting in the negative were

Messrs. Curtis, Gore, Hill, Lawrence, Larson, Mattison, Reed, Ross, Shriner and Mr. Speaker—10.

The motion was lost and the bill was

Referred to committee on judiciary.

C. B. No. 13 was read third time, and

Put upon its final passage.

Those voting for its passage were

Messrs. Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Ross, Shriner, Wall, and Mr. Speaker—16

Those voting against its passage were

Mr Bond—1.

The bill was declared passed and

The title agreed to.

H. F. No. 17, was taken up

Mr. Bond moved to indefinitely postpone.

Which motion prevailed.

H. F. No. 19 was taken up

Read third time and

Put upon its final passage.

Mr. Bond moved to refer to select committee of three,

Which motion was lost.

Those voting for its passage were

Messrs. Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Ross, Shriner and Mr. Speaker—15.

Those voting against its passage were
Messrs. Bond and Wall—2.

The bill was declared passed and
Title agreed to.

H. F. No. 21, was read third time and
Put upon its final passage.

Those voting for its passage were
Messrs. Bond, Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Ross, Shriner, Wall and Mr. Speaker—17.

Noes—None.

The bill was declared passed and
The title agreed to.

C. B. No. 8, was read third time and
Put upon its final passage.

Those voting for its passage were,
Messrs. Bond, Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Mattison, Pratt, Reed, Ross, Shriner, Wall, and Mr. Speaker—16.

Noes—None.

The bill was declared passed, and
Title agreed to.

C. B. No. 9, was read third time and
Put upon its final passage.

Those voting for the passage of the bill were
Messrs. Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Mattison, Pratt, Reed, Ross, Shriner, Wall, and Mr. Speaker—15.

Those voting against its passage were
Mr. Bond—1.

The bill was declared passed, and
Title agreed to.

On motion of Mr. Lawrence,

The House adjourned until to-morrow at eleven o'clock.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 22, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Ross, Shriner, and Mr. Speaker.

Absent—Messrs. Burgess and Wall.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, December 22, 1863.

To the House of Representatives:

GENTLEMEN:—I have the honor to transmit herewith bills of the following titles, which I have examined, approved, and signed this day:

H. F. No. 5, "An act conferring the rights of citizenship upon Zephier Renconter, A. Renconter, Charles J. Brazeau, Peter Grant, and Battis Bufort."

H. F. No. 10, "An act to locate a territorial road from Yankton to Ft. Randall.

H. F. No. 11, "A memorial to the Hon. P. M. General

asking for an increase of speed and mail service on mail route No.——, from Sioux City, Iowa, to Fort Randall, D. T."

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Lawrence, chairman of committee on internal improvements, to whom was referred H. F. No. 20, reported the same back without amendment, and recommended its passage.

Mr. Shriner, chairman of committee on public lands, to whom was referred C. B. No. 12, reported the same back with the following amendment, and recommended its passage:

So that section 6 shall read as follows:

"After the said road shall be located it shall be the duty of the surveyor of said road, on or before the tenth day of December next, to file in the office of register of deeds of Cole county, a plat of so much of said road as passes through said county, and in the office of register of deeds of the county to which the counties of Lincoln and Minnehaha are attached for legislative and judicial purposes, so much of said road as passes through said counties; and in no case shall the county to which said counties are attached be responsible for the expenses incurred.

WM. SHRINER, Ch'n.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred C. B. No. 15, reported the same back, with the following amendment, and recommended its passage:

In section 2, strike out all after the word "that," and add the following: The acts of any and all other person or persons pretending to be the register of deeds of said county, be and are hereby declared null and void.

Sec. 3. That the said Laban H. Litchfield be and is hereby declared to be the register of deeds of Bon Homme county, and to continue such until the next general election, and his successor is elected and qualified.

Sec. 4. This act shall take effect and be in force from and after its passage.

Mr. Gore, chairman of committee on enrollment, to whom was referred H. F's. Nos. 1, 4, 7 and 9, reported the same back correctly enrolled.

Mr. Bond gave notice that on some subsequent day of the session he would introduce a bill for an act granting to Lien Halverson a ferry charter on the Missouri river.

Mr. Brookings gave notice that on to morrow or some future day, he would ask leave to introduce a memorial praying for a line of military posts from Fort Ridgley to Fort Thompson.

Mr. Bond introduced H. F. No. 22, which was
Read first and second times, and
Referred to committee on incorporations.

Also, H. F. No. 23, which was
Read first and second times and
Referred to committee on incorporations.

The following message was received from the Council:

COUNCIL CHAMBER.
December 22, 1863.

MR. SPEAKER:—I have the honor to inform you that the Council has passed

C. B. No. 17, An act granting to Charles E. Rowley and his heirs a charter for a ferry across the Missouri river,

Which bill I herewith transmit to your honorable body, respectfully requesting your concurrence therein.

J. R. HANSON,
Secretary.

Mr. Litchfield introduced H. F. No. 24, which was
Read first and second times and
Referred to committee on internal improvements.

Also, H. F. No. 25, which was
Read first and second time, and
Referred to committee on internal improvements.

Mr. Lawrence introduced H. F. No. 26, which was
Read first and second times, and
Referred to committee on judiciary.

Also, H. F. No. 27, which bill,

Mr. Bond moved to indefinitely postpone,
Which motion was lost.
It was then read first and second times and
Referred to committee on agriculture and manufactures.

On motion of Mr. Bond,
The rules were suspended and
H. F. No. 23 was put upon its final passage.
Those voting for its passage were
Messrs. Bond, Bottolfson, Brookings, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Risling, Ross, Shriner, and Mr. Speaker—16.
Those voting against its passage were
Mr. Reed—1.
The bill was declared passed and
The title agreed to.

Mr. Brookings moved that a committee of three be appointed to examine our civil code, and, if they think necessary, to report a bill for a new or amended code, by printed copy.
Which motion prevailed.
The chair appointed as said committee,
Messrs. Brookings, Hill and Bond.
On motion of Mr. Larson,
Mr. Wall was excused from attendance on account of sickness.

Mr. Litchfield moved that all bills be read the first time at length, unless otherwise ordered by the House, which motion,
Mr Brookings moved to lay on the table,
Which motion prevailed.

Mr. Bond moved to amend rule 23, by inserting after the word "read," in the first line the words, at length.
Which motion was lost.

Mr. Litchfield moved to amend rule 26, by striking from the first line the words, and second.
Mr. Lawrence moved to lay the motion on the table.

On motion of Mr. Brookings
The House adjourned until to-morrow at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 23, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker.

Absent—Messrs. Curtis and Pratt.

On motion of Mr. Bond,

Mr. Pratt was excused from attendance on account of sickness.

On motion of Mr. Brookings,

Mr. Curtis was excused from attendance on account of sickness.

On motion of Mr. Bottolfson,

Mr. Burgess was excused for non-attendance yesterday, on account of illness.

Yesterday's journal was read, corrected and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
December 23, 1863.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed the following House Files, to wit:

H. F. No. 8, An act relative to the office of assessor and collector of taxes, with attached amendment.

H. F. No. 12, An act repealing an act in chapter 57 of the session laws approved January 3d, 1863, with attached amendments, and

H. F. No. 16, An act authorizing married women to convey real estate by power of attorney.

The Council has also passed the following Council bills, to wit:

C. B. No. 19, An act providing for the appointment of guardians, and prescribing their duties, and

C. B. No. 25, An act authorizing Felix Le Blanc and Gonzaque Bourret to build and keep a toll bridge.

All of which bills I herewith transmit to your honorable body, respectfully requesting your concurrence therein.

J. R. HANSON,
Secretary.

The unfinished business of yesterday being before the House,

The motion to lay the amendment offered by the member from Bon Homme on the table, prevailed by the following vote:

Those voting in the affirmative were,

Messrs. Brookings, Lawrence, Larson, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—9.

Those voting in the negative were,

Messrs. Bond, Bottolfson, Brooks, Burgess, Hill, Kegan and Litchfield—7.

Mr. Bond moved that the House adopt the rules of the last session for the government of the House,

Which motion was decided out of order.

Mr. Brookings, chairman of committee on judiciary, to whom was referred C. B. No. 18, reported the same back and recommended its passage.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 6, as properly engrossed.

Mr. Gore, chairman of committee on enrollment, reported C. B. Nos. 8, 9, and 13 correctly enrolled.

Mr. Hill gave notice that on some subsequent day of the session he would ask leave to offer a bill regulating the sale of spirituous liquors.

Mr. Bond introduced H. F. No. 28, which was

Read first and second times, and

Referred to committee on incorporations.

Mr. Litchfield introduced H. F's Nos. 29 and 31.

On motion of Mr. Brookings,

H. F. No. 29 was read third time,

The rules were suspended, and

The bill put upon its final passage.

Those voting for the passage of the bill were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Kegan, Lawrence, Larson, Litchfield, Mattison, Risling, Ross, Shriner, and Mr. Speaker—15.

Those voting against its passage were

Messrs. Hill and Reed—2

H. F. No. 31, was read first and second time, and

Referred to committee on internal improvements.

H. F. No. 6 being the special order for 11½ o'clock, was

Taken up, and discussed by Messrs. Bond and Brookings.

Mr. Bond moved to indefinitely postpone the bill,

Which motion was lost.

Mr. Bond moved that the House now resolve itself into committee of the whole,

Which motion was lost.

Mr. Bond called for the reading of the bill at length.

The title being read,

Mr. Litchfield moved that the farther reading of the bill be dispensed with,

Which motion prevailed.

The bill then passed by the following vote :

Those voting in favor of its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker.—15.

Those voting against its passage were

Messrs. Bond and Kegan—2.

Mr. Litchfield moved to amend rule 26, so that it shall read, "every bill shall be read on three different days, by their title, unless otherwise ordered by the House."

Mr. Lawrence moved to lay the motion on the table,

Which motion was lost by the following vote:

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Brooks, and Litchfield—4.

Those voting in the negative were,

Messrs. Brookings, Burgess, Gore, Hill, Kegan, Lawrence, Larson, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—13.

Mr. Bond offered the following:

Resolved, That the House rules of the last session be adopted as the rules for the government of this House,

Which resolution was lost by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Kegan, and Litchfield—5.

Those voting against it were

Messrs. Brookings, Burgess, Gore, Hill, Lawrence, Larson, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—12.

Mr. Litchfield moved that a select committee be appointed to draft rules and regulations for the House,

Which motion was decided to be out of order.

Mr. Litchfield offered the following as rule 53:

Resolved, That every member, upon the introduction of a bill, shall, himself, read the same at length.

Mr. Brookings asked that, under the rule, it be laid over for consideration.

The Council amendment to H. F's Nos. 8 and 12, were agreed to.

Council Bill No. 17, was

Read first and second times and

Referred to committee on incorporations.

C. B. No. 61 was read first and second times, and

Referred to committee on judiciary.

C. B. No. 25 was read first and second times, and

Referred to committee on incorporations.

C. B. No. 12 was taken up,

Read third time and

Put upon its final passage.

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—17.

Noes—None.

The bill was declared passed, and

The title agreed to.

Mr. Hill moved to reconsider the vote on C. B. No. 12,

Which motion prevailed.

The amendment to Council bills Nos. 12 and 15, were adopted.

C. B. No. 18, was read third time, and

Put upon its final passage.

Those voting in the affirmative were,

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—15.

Those voting in the negative were

Messrs. Bond and Kegan—2.

The bill was declared passed and

The title agreed to.

C. B. No. 12, was read third time and

Put upon its final passage

Those voting in favor of its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—17.

Noes—None.

The bill was declared passed, and

The title agreed to.

C. B. No. 15 was read third time and

Put upon its final passage.

Messrs. Bond and Litchfield were excused from voting.

Those voting in favor of the passage of the bill were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—14.

Those voting against its passage were
Mr. Kegan—1.

The bill was declared passed and
The title was agreed to.

H. F. No. 20 was read third time and
Put upon its final passage.

Those voting in favor of its passage were.

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Mr. Speaker—17.

Noes—None.

The bill was declared passed, and
Title agreed to.

On motion of Mr. Lawrence,
The House adjourned until to-morrow at 9 o'clock, A. M.

W. W. BROOKINGS, *Speaker pro tem.*

MAHLON GORE, *Chief Clerk.*

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 24, 1863.

House met pursuant to adjournment.

The speaker being absent,
The House was called to order by the clerk.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Lawrence, Larson, Litchfield, Mattison, Risling, Ross, Shriner.

Absent—Messrs. Hill, Kegan, Reed, and Mr. Speaker.

On motion of Mr. Burgess,

Mr. Brookings was elected speaker pro tem.

Prayer by the chaplain.

Yesterday's journal read and approved.

On motion of Mr. Bond,

Mr. Kegan was excused for non-attendance on account of sickness.

On motion of Mr. Litchfield,

The Speaker was excused from attendance on account of sickness

Mr. Bond moved to adjourn,

Which motion was withdrawn.

On motion of Mr. Lawrence,

Mr. Reed was excused from attendance on account of sickness.

On motion of Mr. Bond

The House adjourned until Saturday, at 10 o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 26, 1863.

House met pursuant to adjournment.

The Speaker being absent,

House called to order by the Clerk.

The following communication from the Governor was received:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, December 25, 1863.

To the House of Representatives:

GENTLEMEN:—I herewith return, without my approval, H

F. No. 9, An act authorizing John Cain and Cornelius Cain to establish and keep a ferry on the Missouri river.

In returning this bill to your honorable body, in which it originated, I wish to say that I have no objection to the parties to whom the privileges are granted in the act named above, and shall most cheerfully sign a bill granting to them all reasonable ferry privileges.

My objections to the act herewith transmitted, are found mainly in section six. This section makes all other parties to whom ferry privileges have been granted on the Missouri river in this Territory, amenable to the persons named in this act, and liable to them in the penal sum of ten dollars, and declares further, that they shall be considered as guilty of a misdemeanor in case they engage in "crossing persons or property for consideration."

I cannot think it right or proper to grant such exclusive privileges as is granted in the section of the act referred to, to any person or persons; neither can I conceive it to be the desire or intention of the Legislature to do so. Such preferences can, in my opinion, have no other effect than to retard and greatly embarrass the transit intercourse on this stream.

It appears to me that the repealing clause in section seven of this act, should be extended to subsequent Legislatures, and should not be confined, as is the case in this section, to "this Legislative assembly," inasmuch as the charter is to last fifteen years.

Very respectfully,
Your ob't serv't
NEWTON EDMUNDS,
Governor

No quorum being present,
The House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk,*

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 28, 1863.

House met at ten o'clock.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brookings, Burgess, Gore, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker.

Absent—Messrs. Bond and Brooks.

On motion of Mr. Pratt

Mr. Bond was excused for non-attendance on account of sickness.

Journals of Thursday and Saturday were read and approved.

Mr. Shriner gave notice that at some future day he would introduce a bill to provide for county organization, county officers, and their duties.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Dec. 27, 1863.

To the Honorable House of Representatives:

GENTLEMEN:—I have the honor herewith to return, with my approval, the following entitled bills, which originated in your honrable House, viz:

H. F. No. 1, An act locating a Territorial road from Vermilion to Yankton.

H. F. No. 4, An act legalizing the election of Charles F. Picotte and Ole Sampson, as county commissioners of Yankton county.

H. F. No. 7, An act legalizing the acts of certain county officers of Clay county.

Very respectfully,

Your obedient Servant,

NEWTON EDMUNDS,

Governor.

Mr. Gore gave notice that on to-morrow, or some subsequent day of the session he would introduce a memorial to Congress, asking that the amount usually appropriated for surveys in this Territory, be this year appropriated to the construction of public roads, and that the balance of last years' appropriation for legislative purposes, be expended for the same purpose.

Mr. Reed introduced H. F. No. 32, which was

Read first and second times and

Referred to committee on agriculture and manufactures.

Mr. Brookings moved that the use of this hall be granted to the committee of arrangements for a ball, on Friday evening, January 1, 1864.

Which motion prevailed.

The question being taken upon the passage of H. F. No. 9, over the veto of the Governor,

The bill was lost by the following vote:

Those voting in the affirmative were none.

Those voting in the negative were

Messrs. Bottolfson, Brookings, Burgess, Gore, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Mr Speaker—14.

Mr. Litchfield moved to lay the resolution offered on Wednesday last, now before the House, on the table,

Which motion prevailed.

Mr. Lawrence gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for the relief of insolvent debtors.

On motion of Mr. Bottolfson

The House adjourned until to-morrow at 11 o'clock.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES
YANKTON, Dec. 29, 1863.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling Ross, Shriner, Wall, Wherry and Mr. Speaker.

The following message was received from the Council:

COUNCIL CHAMBER,
Dec. 29, 1863.

MR. SPEAKER:—I have the honor of informing your honorable body that the Council has passed the following House Files, to wit:

H. F. No. 19, An act granting to Ole Sampson a ferry charter across the Missouri river.

H. F. No. 14, An act to locate a territorial road from Pacquette's ferry to Vermilion, with attached amendment.

H. F. No. 13, An act granting to J. B. Greenway, the right to keep and maintain a ferry on the Dakota river.

H. F. No. 21, an act granting to Andrew Peterson, his heirs and assigns the right to keep and maintain a ferry on the Vermilion river.

I have also to inform you that H. F. No. 2, An act to repeal the acts establishing the counties of Kittson, Chippewa, Cheyenne, Stevens, and the seventh Council and Representative district, has been indefinitely postponed.

All which bills I herewith return to your honorable body.

I have also to inform you that the Council has passed the following Council Bills, to wit:

C. B. No. 20, An act to amend section 18, chapter 6, of the Criminal Code, and

C. B. No. 23, An act changing the boundary lines of Charles

Mix county, and establishing the boundary lines of Balcombe county, and for other purposes.

Both of which bills I herewith transmit to your honorable body, respectfully requesting your concurrence therein.

I have also to inform you that the Council has concurred in the House amendments to C. B. No. 12 and C. B. No. 15.

J. R. HANSON,
Secretary.

Yesterday's Journal read and approved.

Mr. Brookings, chairman of committee on judiciary, to whom C. B. No. 19 was referred, reported the same back to the House and recommended its passage.

Mr. Lawrence, chairman of committee on internal improvements, to whom was referred H. F's Nos. 24, 25 and 31, reported the same back and recommended their passage.

Mr. Hill, chairman of committee on incorporations, to whom was referred H. F. No. 28 and C. B. No. 25, reported the same back with amendments, and recommended their passage.

Mr. Shriner, chairman of committee on agriculture and manufactures, to whom was referred H. F. No. 27, reported the same back without amendments and recommended its passage.

Mr. Gore, chairman of committee on enrollment, reported C. B's Nos. 12, 15 and 18, correctly enrolled.

Mr. Brookings gave notice that on to-morrow or some future day he would ask leave to introduce a bill regulating elections.

Mr. Litchfield gave notice that on to-morrow or some future day, he would introduce a bill to protect the rights of married women.

Mr. Lawrence introduced H. F. No. 33, which was
Read first and second times and
Referred to committee on judiciary.

Mr. Brookings introduced H. F. No. 34, which was
Read first and second times and
Referred to committee on military affairs.

Mr. Litchfield offered the following:

Resolved, That Mr. Brooks be excused for non-attendance yesterday on account of illness.

Which was adopted.

Mr. Brookings moved that all the members who have been prevented from attendance on account of the severe storm, be excused.

Which motion prevailed.

C. B. No. 20, was read first and second times and
Referred to committee on judiciary.

C. B. No. 23 was read first and second times and
Made the special order of January 5th, at 11½ o'clock.

C. B. No. 19 was taken up
Read third time and
Put upon its final passage.

Those voting in favor of the passage of the bill were
Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—18.

Noes—none.

The bill was declared passed and
The title agreed to.

H. F. No. 24 was taken up, and
Put upon its final passage.

Those voting for its passage were
Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker—17.

Those voting against the passage of the bill were
Mr. Wherry—1.

The bill was declared passed and
The title was agreed to.

H. F. No. 25, was taken up and
Put upon its final passage.

Those voting in favor of the passage of the bill were
Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker—17.

Those voting against its passage were
Mr. Wherry—1.

The bill was declared passed and
The title agreed to.

H. F. No. 31 was taken up and
Put upon its final passage.
Those voting in favor of its passage were.

Messrs. Bottolfson, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Risling, Ross, Wall, Wherry and Mr. Speaker—14.

Those voting against its passage were
Messrs. Brookings, Pratt, Reed, and Shriner—4.

The bill was declared passed and
Title agreed to.

The Council amendment to H. F. No. 14, was concurred in,

H. F. No. 28 was ordered to be engrossed for third reading to-morrow.

H. F. No. 27 was taken up and
Put upon its final passage.
Those voting in favor its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—18.

Noes—None.

The bill was declared passed, and
Title agreed to.

C. B. No. 25 was taken up, and
Put upon its final passage with amendment.

Those voting for the passage of the bill were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—18.

Noes—None.

The bill was declared passed, and
Title agreed to.

On motion of Mr. Brookings,
The House adjourned until to-morrow at 11 oclock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk.*

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 30, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Larson, Litchfield, Mattison, Reed, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Absent—Mr. Lawrence.

On motion of Mr. Brookings,

Mr. Lawrence was excused from attendance for sickness.

Journal of yesterday read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Dec. 30, 1863.

MR. SPEAKER:—I have to inform your honorable body that the Council has passed the following House Files, to wit:

H. F. No. 6, An act to incorporate the Minnesota and Dakota Railroad Company, with attached amendments.

H. F. No. 23, An act incorporating St. John's Lodge of Ancient, Free and Accepted Masons, with attached amendments.

Both of which bills I herewith return to your honorable body.

And I have also to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 29, An act for the establishment of Union county, locate the county seat of the same and legalize the acts of certain county officers of the county of Cole, and

C. B. No. 24, An act concerning apprentices.

Both of which bills I herewith transmit to your body, respectfully requesting your concurrence therein.

J. R. HANSON,
Secretary.

Mr. Brookings moved to reconsider the vote of yesterday on Council bill No. 23,

Which motion prevailed.

Mr. Brookings, chairman of committee on judiciary, to whom was referred H. F. No. 26, and C. B. No. 20, reported the same back to the House and recommended their passage.

Mr. Litchfield offered an amendment to C. B. No. 20,

Which amendment was adopted.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 28, as properly engrossed.

Mr. Gore, chairman of committee on enrollment reported House Files Nos. 14 and 19, correctly enrolled.

Mr. Hill, chairman of committte on incorporations, to whom was referred C. B. No. 17, reported the same back without amendment, and recommended its passage.

Mr. Wherry gave notice that on to-morrow or some future day, he would introduce a bill for an act supplementary to an act creating and establishing Todd, Gregory, Charles Mix and Brughier counties to define the boundary lines of the same and to locate county seats, approved May 8, 1862.

Mr. Bottolfson gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill to divide the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives thereof.

Mr. Litchfield offered the following:

Resolved, That a committee of one be appointed to act in conjunction with a similar committee on the part of the Council, to visit the Territorial Library and examine into its condition, and report the same to this House, with any suggestions which they may think proper,

Which resolution was adopted.

C. B. No. 24 was read first and second times, and

Referred to committee on ways and means.

C. B. No. 29 was read first and second times.

Mr. Bottolfson moved to indefinitely postpone the bill.

Mr. Brookings moved to lay the motion to indefinitely postpone on the table,

Which motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Brookings, Brooks, Gore, Hill, Larson, Litchfield, Mattison, Reed, Ross, and Wall—10.

Those voting in the negative were

Messrs. Bottolfson, Burgess, Pratt, Risling, Shriner, Wherry, and Mr. Speaker—7.

The bill was then referred to committee on towns and counties.

C. B. No. 17, was read third time and

Put upon its final passage.

Those voting for the passage of the bill were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Larson, Litchfield, Mattison, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—15.

Those voting in the negative were

Messrs. Pratt and Reed—2.

The bill was declared passed, and

Title agreed to.

C. B. No. 20, was read third time and

Put upon its final passage as amended.

Those voting in favor of its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.—17.

The bill was declared passed and

The title agreed to.

On motion of Mr. Wherry,

C. B. No. 23 was made the special order for Monday, January 4, at 11 1-2 o'clock.

Mr. Hill moved to make H. F. No. 23 the special order for Friday, January 8,

Which motion was decided to be out of order.

The Council amendment to H. F. No. 23, was concurred in.

Mr. Wherry moved to adjourn until to-morrow at 11 o'clock,

The motion was lost.

H. F. No. 28, was read third time and

Put upon its final passage.

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—17.

The bill was declared passed, and

The title agreed to.

The Council amendment to H. F. No. 6, was concurred in.

On motion of Mr. Wherry,

The House adjourned until to-morrow at 9 o'clock.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, December 31, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

No quorum present.

House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 1, 1864.

House met at the regular hour.

Speaker in the chair.

Roll called.

No quorum present.

House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan'y 2, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Mr. Wherry moved that all the members who were prevented from attendance by the severe storm, be excused.

Which motion prevailed.

On motion of Mr. Lawrence,

The House adjourned until Monday, at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, January 4, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brookings, Brooks, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker.

A petition was presented, signed by fourteen residents of Charles Mix and Brughier counties, asking the Legislature to pass an act calling a special election in said counties, for the election of county officers, and the appointment of actual residents as judges of said election; and also allowing the residents of said counties to vote at said election for the location of the county seats, &c.; which petition was

Referred to committee on towns and counties.

The following messages were received from the Council:

COUNCIL CHAMBER,
January 4, 1864.

MR. SPEAKER:—I am instructed to inform the House of Representatives, that the following resolution was adopted by the honorable Council:

Resolved, That a committee of one be appointed to act in conjuction with a similar commmittee on the part of the House, to visit the Territorial Library, and examine into its condition, and report the same to this body, with any suggestions that they may think proper.

In accordance with the above resolution, the President of the Council has appointed Mr. J. O. Taylor such committee.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
January 4, 1863.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed

H. F. No. 29, An act to repeal chapter ten of the private laws, with attached amendments,

Which bill I herewith return.

I have also to inform you that the Council has concurred in the House amendments to C. B. No. 25, and has passed the following Council bills, to wit:

C. B. No. 3, An act concerning licenses.

C. B. No. 7, An act relative to divorce, and

C. B. No. 32, An act concerning lunatics,

All of which bills I herewith transmit to your honorable body, respectfully asking your concurrence therein.

J. R. HANSON,
Secretary.

Mr. Brookings, chairman of committee on judiciary, to whom was referred H. F. No. 33, reported the same back and recommended its passage.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred C. B. No. 29, reported the same back, without amendment, and recommended its passage.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Jan'y 2, 1864.

To the Honorable House of Representatives:

GENTLEMEN:—I have the honor herewith to transmit H. F. No. 1, An act to locate a Territorial road from Pacquett's ferry to Vermillion.

Also, H. F. No. 19, An act granting to Ole Samson a ferry charter on the Missouri river,

Which I have examined, signed and approved.

Very respectfully,
Your ob't serv't
NEWTON EDMUNDS,
Governor

Mr. Wall, chairman of committee on military affairs, to whom was referred H. F. No. 34, reported the same back without amendment, and recommended its passage.

Mr. Hill, chairman of committee on incorporations, to whom was referred H. F. No. 22, reported the same back with an amendment, and recommended its passage, as amended.

Mr. Shriner, chairman of committee on agriculture and manufactures, to whom was referred H. F. No. 32, reported the same back without amendment, and recommended its passage.

Mr. Gore, chairman of committee on enrollment, reported C. B. No. 19 and C. B. No. 25, correctly enrolled.

Mr. Litchfield gave notice that on to-morrow or some future day he would introduce a bill to regulate the collection of fines.

C. B. No. 23 being put upon its final passage.

Mr. Wherry moved that it be indefinitely postponed

Mr. Brookings moved to lay Mr. Wherry's motion on the table.

The ayes and noes being demanded, the motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Wall—14.

Those voting against it were

Messrs. Bottolfson, Kegan, Pratt, Wherry, and Mr. Speaker —5.

Mr. Wherry moved that the bill be postponed until January 17.

Mr. Brookings moved that the motion be laid on the table.

The ayes and noes being demanded,

The motion prevailed, by the following vote:

Those voting in the affirmative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, and Wall—14.

Those voting in the negative were

Messrs. Bottolfson, Kegan, Pratt, Wherry and Mr. Speaker —5.

Mr. Wherry moved that the bill be postponed until January 18.

The ayes and noes being demanded,

The motion was lost, by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Kegan, Pratt, Wherry and Mr. Speaker —5.

Those voting in the negative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner and Wall—14.

Mr. Brookings moved that the bill be now put upon its final passage, and moved the previous question.

Which motion was withdrawn.

On motion of Mr. Brookings,

The House now resolved itself into committee of the whole, to consider the bill.

Mr. Hill was called to the chair.

After some time spent therein, the committee arose, and through their chairman, made the following report:

MR. SPEAKER;—The committee of the whole, to whom was referred C. B. No. 23, ask leave to report the same back with amendment, viz: To strike out Balcombe wherever it occurs, and insert Buffalo; and recommend its passage.

B. A. HILL, Ch'n.

Mr. Litchfield moved to adjourn until 1 o'clock P. M.

Which motion was withdrawn.

The amendment to C. B. No. 23 was adopted.

Mr. Reed introduced H. F. No. 35, which was

Read first and second times and

Referred to committee on agriculture and manufactures.

Mr. Hill introduced H. F. No. 36 which was

Read first and second times, and

Referred to committee on incorporations.

Mr. Shriner introduced H. F. No. 37, which was

Read first and second times, and
Referred to committee on judiciary.

Also, H. F. No. 38, which was
Read first and second times, and
Referred to committee on elections.

Mr. Gore moved that a committee of three be appointed by the chair to draft a law for the regulation of common schools, and report the same to this House by printed copy.

Which motion prevailed.

The chair appointed as said committee,
Messrs. Gore, Pratt, and Reed.

Mr. Litchfield was appointed a committee to act with a like committee to examine into the condition of the Territorial Library, and report the same to this House.

Mr. Wherry offered the following:

Resolved, That Hon. Austin Cole and Mr. H. E. Gregory be admitted to seats within the bar of this House.

Which was adopted.

Mr. Wherry moved that the House adjourned until to-morrow at eleven o'clock.

Which motion was lost.

Mr. Brookings moved that the rules be suspended and C. B. No. 23 be put upon its final passage.

Mr. Wherry moved to adjourn until to-morrow at 11 o'clock

Which motion was lost.

Mr. Wherry moved to adjourn until to-morrow at 12 o'clock.

Which motion was lost.

Mr. Brookings moved the previous question.

Mr. Brookings moved that when the House do adjourn, it adjourn until to-morrow at 10 1-2 o'clock.

The ayes and noes being demanded the motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Larson, Litchfield, Mattison, Risling, Ross, Shriner and Wall—14.

Those voting in the negative were

Messrs. Kegan, Lawrence, Pratt, Reed, Wherry, and Mr. Speaker—6.

The question recurring upon the main question

The motion prevailed.

Mr. Wherry moved to adjourn.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Burgess, Kegan, Pratt, Wherry and Mr. Speaker—6.

Those voting in the negative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner and Wall—14.

Mr. Wherry moved that C. B. No. 23, be re-committed to a committee of three.

The ayes and noes being demanded

The motion was lost by the following vote:

Those voting in the affirmatime were

Messrs. Kegan, Pratt, Wherry and Mr. Speaker—4.

Those voting in the negative were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner and Wall—16.

Mr. Wherry moved to adjourn.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Kegan, Pratt, Wherry and Mr. Speaker—4.

Those voting in the negative were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner and Wall—16.

Mr. Wherry moved to refer the bill to a committee of five.

Which motion was decided out of order.

The bill then passed by the following vote:

Those voting for its passage were

Messrs, Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, and Wall —13.

Those voting against its passage were

Messrs. Bottolfson, Burgess, Kegan, Pratt, Shriner, Wherry and Mr. Speaker—7.

The title as, amended, was agreed to.

Mr. Bottolfson moved to adjourn until ten o'clock to-morrow.

Which motion was lost.

C. B. No. 3 was laid over for third reading to-morrow.

C. B. No. 7 was read first and second times and

Referred to committee on judiciary.

C. B. No. 32 was laid over for third reading to-morrow.

C. B. No. 29 was taken up and

Put upon its final passage.

Mr. Wherry moved to indefinitely postpone the bill.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Burgess, Kegan, Pratt, Shriner, Wherry and Mr. Speaker—7.

Those voting in the negative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross and Wall—13.

Mr. Brookings moved the previous question.

Mr. Wherry moved to adjourn.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Burgess, Kegan, Pratt, Shriner, Wherry and Mr. Speaker—7.

Those voting in the negative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross and Wall—13.

The Speaker called Mr. Hill to the chair, and the bill was discussed at some length by Messrs. Puett, Brookings and Hill.

The speaker in the chair.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Risling, Ross and Wall—12.

Those voting against its passage were

Messrs. Bottolfson, Burgess, Kegan, Pratt, Reed, Shriner, Wherry and Mr. Speaker—8.

On motion of Mr. Litchfield

The House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Clerk,*

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 5, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Journals of Wednesday, Thursday, and Friday of last week, and Monday, of this week, were read and approved.

On motion of Mr. Lawrence,

Mr. Brookings was excused from attendance on account of sickness.

Mr. Wherry, chairman of committee on ways and means, to whom was referred C. B. No. 24, reported the same back with an amendment, and recommended its passage.

Mr. Wall gave notice that on to-morrow or some other day

he would introduce a bill legalizing the acts of certain officers of Charles Mix county.

Mr. Puett gave notice that on to-morrow he would ask leave to introduce a memorial praying Congress for an appropriation sufficient to complete the Winnebago and Santee agency.

Also, a memorial to Congress praying for an appropriation sufficient for the establishment of an Indian agency opposite Devils Lake, on the Missouri river, in Dakota Territory.

Mr. Wherry introduced H. F. No. 39, which was
Read first and second times and
Referred to committee on towns and counties.

Mr. Litchfield introduced H. F. No. 40, which was
Read first and second times, and
Referred to committee on judiciary.

Mr. Bottolfson introduced H. F. No. 41, which was
Read first and second times and
Referred to committee on towns and counties.

C. B. No. 3 was read third time,
Mr. Litchfield moved to amend by striking out section 13,
Which motion was lost.

The following message was received from the Council:

COUNCIL CHAMBER,
January 5, 1864.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed the following House Files, to wit:

H. F. No. 24, An act to repeal chapter 20 of the private laws, with attached amendments.

H. F. No. 25, An act to repeal chapter 23 of the private laws, with attached amendments.

H. F. No. 31, An act to repeal chapter 12 of the private laws, with attached amendments, and

H. F. No. 27, An act to create a lien in favor of farmers and others.

H. F. No. 20, An act locating a territorial road from the Big Sioux river to Yankton, has been indefinitely postponed.

All of which bills I herewith return.

I have also to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 26, Joint resolution on the state of the Union, and

C. B. No. 27, An act granting to Louis Ammison and Mons Nelson a ferry charter across the Missouri river.

Both of which bills I herewith transmit to your honorable body, respectfully asking your concurrence therein.

The Council has also concurred in House amendments to C. B. No. 20, An act to amend chapter 6, of the criminal code.

J. R. HANSON,
Secretary.

Mr. Litchfield moved to amend C. B. No. 3, by striking out sections 16, 17, and 18,

Which motion prevailed.

The bill then passed by the following vote:

Those voting in the affirmative were,

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Wherry—16.

Those voting in the negative were,

Messrs. Kegan, Litchfield and Mr. Speaker—3.

C. B. No. 32 was made the special order of to-morrow at half-past eleven o'clock.

C. B. No. 34, was read third time,

Mr. Lawrence offered an amendment to the amendment of the committee,

Which was adopted.

The bill then passed by the following vote:

Those voting for the passage of the bill were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

On motion of Mr. Bottolfson,

H. F. No. 22 was laid on the table.

The Council amendments to House Files Nos. 24, 25, 29 and 31, were concurred in.

H. F. No. 32 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

Noes—None.

H. F. No. 33 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

Noes—None.

H. F. No. 34 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

Noes—None.

Mr. Gore, Chairman of committee on enrollment, reported House Files Nos. 6 and 23 correctly enrolled.

Mr. Hill offered the following:

Resolved, That Hon. B. E. Wood be invited to a seat within the bar of this House,

Which was adopted.

On motion of Mr. Litchfield,

The House adjourned untill to-morrow at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 6, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker.

Absent—Mr. Wherry.

The following message was received from the Council:

COUNCIL CHAMBER.
Jan'y 6, 1864.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed H. F. No. 15, a bill for an act incorporating a bridge company at Vermillion, and for other purposes, with annexed amendments, which bill I herewith return.

I have also to inform you that the Council has passed C. B. No. 21, an act amending section 2 of chapter 35 of general laws of 1862, which bill I herewith transmit to your honorable body, respectfully asking your concurrence therein.

The Council has also concurred in House amendments to C. B. No. 23, an act changing the boundary lines of Charles Mix county, and establishing the boundary lines of Balcombe county, and for other purposes.

J. R. HANSON,
Secretary.

Yesterday's journal was read and approved.

Mr. Litchfield, chairman of committee on towns and counties, made the following report:

MR. SPEAKER:—Your committee on towns and counties, to

whom was referred the petition of the citizens of Charles Mix county, beg leave to submit the following report:

The petitioners represent that the county of Charles Mix is without county officers, and pray this honorable body to pass an act calling a special election for the purpose of electing county officers.

Your committee are of the opinion, first, that the petition was never within the boundaries of Charles Mix county; second, that not more than three or four of the petitioners ever saw the petition they are purported to have signed; in fact, that the petition was drawn and signed in the town of Yankton, and never was beyond its limits.

Your committee find that the county of Charles Mix is properly officered by the following persons, to wit:

County Commissioners—C. E. Hedges, Colon Lamont, and Fallacie Fallas.

Register of Deeds—Colon Lamont.

Probate Judge—J. V. Hamilton.

Sheriff—Frederick Carmon.

Your committee would, therefore, recommend that the petition be laid on the table.

L. H. LITCHFIELD, Ch'n.

Mr. Gore, chairman of committee on enrollment, reported Council bills Nos. 17 and 23, correctly enrolled.

Mr. Litchfield gave notice that on to-morrow, or some future day of the session, he would introduce a bill granting to John Rouse and J. J. Thompson, and others, the right to run a ferry across the mouth of Snatch Creek, and for other purposes.

Mr. Brookings gave notice that on to-morrow or some future day he would ask leave to introduce a bill for the protection of timber on the Big Sioux river.

Mr. Gore moved that Judge Wilkinson be invited to a seat within the bar of this House,

Which motion prevailed.

Mr. Brookings introduced H. F. No. 42, which was

Read first and second times, and

Referred to committee on public lands.

Mr. Puett introduced H. F. No. 43, which was

Read first and second times, and,
On motion of Mr. Hill,
The rules were suspended and the memorial was
Read third time and
Passed by the following vote:

Those voting in favor its passage were
Messrs. Bottolfson, Brookings, Brooks, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker– 18.

Noes—None.

Mr. Puett introduced H. F. No. 44, which was
Read first and second times.

Mr. Hill moved the suspension of the rules that the memoaial be put upon its final passage.

Mr. Lawrence moved that the bill be referred to committee on ways and means.

The ayes and noes being demanded,
The motion prevailed by the following vote:

Those voting in the affirmative were
Messrs. Gore, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, and Wall—11.

Those voting in the negative were
Messrs. Bottolfson, Brooks, Burgess, Curtis, Hill, Shriner, and Mr. Speaker—7.

Mr. Kegan offered the following:
Resolved, That Mr. Wherry be excused for non-attendance on account of sickness,
Which resolution was adopted.

C. B. No. 21 was read first and second times, and
Laid over for third reading to-morrow.

On motion of Mr. Bottolfson,
C. B. No. 27 was indefinitely postponed,

C. B. No. 26 was read first and second times and
Referred to committee on federal relations.

C. B. No. 32 being the special order for 11 1-2 o'clock, was
Taken up.
On motion of Mr. Litchfield,

The House resolved itself into committee of the whole, to consider the bill.

The Speaker requested several different members to take the chair, who were excused.

Whereupon, the House elected Mr. Gore chairman.

After some time spent therein, the committee rose.

The Speaker resumed the chair,

Whereupon the committee made the following report:

MR. SPEAKER:—The committee of the whole have had under consideration Council bill No. 32, An act concerning lunatics, and have instructed me to report the same back without amendment, and recommend its passage.

ALBERT GORE, Ch'n.

C. B. No. 32 then passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker—18.

Those voting against the passage of the bill were

Mr. Litchfield—1.

The Council amendment to H. F. No. 15 was concurred in.

On motion of Mr. Bottolfson,

H. F. No. 22 was taken from the table.

The amendment was adopted.

On motion of Mr. Brookings,

The bill was postponed until Saturday, January 8.

On motion of Mr. Bottolfson,

The House adjourned until to-morrow at 11 oclock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 7, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker.

Yesterday's journal was read and approved.

Mr. Brookings, chairman of committee on judiciary to whom was referred C. B. No. 7, and H. F's No. 38 and 40, reported the same back and recommended their passage.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred H. F. No. 41, reported the same back and recommended its passage.

Mr. Hill, chairman of committee on incorporations, to whom was referred H. F. No. 36, reported the same back without amendment, and recommended its passage.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 7, 1864.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has concurred in House amendment to C. B. No. 24, An act concerning apprentices.

J. R. HANSON,
Secretary.

Mr. Brookings, chairman of committee on elections, to whom was referred H. F. No. 18, reported the same back without recommendation.

Mr. Litchfield, chairman of special committee, made the following report:

MR. SPEAKER:—Your special committee, appointed to examine into the condition of the Territorial Library, have to report that they have examined the same and find it in as good condition as could be expected under existing circumstances.

Your committee would suggest that there should be put on the back of each book, a label with the words "Dakota Library," printed thereon.

L. H. LITCHFIELD, *For the House.*
J. O. TAYLOR, *For the Council.*

Mr. Brookings gave notice that on to-morrow or some future day, he would ask leave to introduce a bill amending the law locating county seats.

Also, a bill relating to county commissioners.

Mr. Litchfield gave notice that on to-morrow or some future day he would introduce a bill to provide for the filling of vacancies in county offices.

Also an act to amend section 38, of chapter 23 of the laws of 1862.

Also, an act to designate the title of register of deeds.

Mr. Brookings moved that Mr. Wall be excused on account of sickness.

Which motion prevailed.

Mr. Brookings moved that the rule which requires both houses to be in session at the time of transmitting or receiving messages, be suspended.

C. B. No. 21 was read third time and

Passed by the following vote:

Those voting in favor of its passage were.

Messrs. Bottolfson, Brooks, Burgess, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Rising, Ross, and Shriner—13.

Those voting against its passage were

Messrs. Brookings, Curtis and Mr. Speaker—3.

C. B. No. 7, being taken up

Mr. Brookings moved to dispense with reading.

Mr. Lawrence moved to indefinitely postpone the bill.

Which motion prevailed.

On motion of Mr. Brookings

H. F. No. 18 was made special order of Monday next at 11½ o'clock.

Mr. Brookings offered an amendment to H. F. No. 36.

Mr. Lawrence moved to lay the amendment on the table.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Hill, Kegan, Lawrence, Litchfield, Mattison, Reed, Ross and Mr. Speaker—8.

Those voting in the negative were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Larson, Pratt, Risling, and Shriner—9.

Mr. Curtis moved to reconsider the vote by which C. B. No. 7, was indefinitely postponed.

Which motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Hill, Larson, Pratt, Risling, and Shriner,—10.

Those voting in the negative were

Messrs. Kegan, Lawrence, Litchfield, Mattison, Reed, Ross, and Mr. Speaker.—7.

Mr. Brookings moved to make C. B. No. 7 the special order of to-morrow at 11½ o'clock.

Mr. Lawrence moved to amend by saying Friday.

Which motion was lost.

The question recurring upon the motion of Mr. Brookings,

The motion prevailed.

H. F. No. 36 was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs, Bottolfson, Brookings, Brooks, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner and Mr. Speaker—17.

Mr. Litchfield offered an amendment to H. F. No. 38.

It was then ordered engrossed for third reading to-morrow.

H. F. No. 40, was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, and Mr. Speaker—16.

Negative, Mr. Kegan—1.

Mr. Lawrence moved that H. F. No. 41 be laid on the table.

Which motion was lost.

Mr. Brookings moved that it be made the special order of Saturday next at 11½ o'clock.

Which motion prevailed.

Mr. Brookings moved that two members be added to the committee on enrollment.

Which motion prevailed.

The chair appointed Messrs. Hill and Larson.

Mr. Hill of committee on enrollment reported C. B's No. 24 and 29, as correctly enrolled.

On motion of Mr. Larson

The House adjourned until to-morrow at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES
YANKTON, Jan'y 8, 1864.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Cur-

tis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker.

Journal of yesterday read and approved.

On motion of Mr. Litchfield,

Mr. Gore was excused for non-attendance yesterday, on account of sickness.

Mr. Gore, chairman of committee on federal relations, to whom was referred joint resolutions on the state of the Union, reported the same back and recommended their passage.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 38, as properly engrossed.

Mr. Gore, chairman of committee on enrollment reported House Files Nos. 24, 25, 27, 31 and 32, correctly enrolled.

Mr. Wall introduced H. F. No. 45, which was
Read first and second times and
Referred to committee on internal improvements.

Mr. Bond introduced H. F. No. 30 which was
Read first and second times, and
Referred to committee on elections.

Mr. Litchfield introduced H. F. No. 46, which was
Read first and second times and
Referred to committee on judiciary.

Also, H. F. No. 47, which was
Read first and second times, and
Referred to commmittee on towns and counties.

C. B. No. 7 being the special order of 11 1-2 o'clock, was taken up.

On motion of Mr. Brookings,

The House resolved itself into committee of the whole, to consider the bill.

Mr. Hill in the chair,

After some time spent therein,

Mr. Puett moved that the committee of the whole do now rise, and instruct their chairman to report back the bill as amended, and recommend its passage.

Which motion prevailed.

Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER,
January 8, 1864.

MR. SPEAKER:—I have to inform your honorable body that H. F. No. 34, A memorial for a line of military posts between Forts Ridgley and Randall, has been indefinitely postponed by the council.

Which bill I herewith return.

I have also to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 33, An act to provide for the recording of the stamps of the United States internal revenue, and for other purposes, and

C. B. No. 34, An act locating a Territorial road from the Big Sioux river, to Yankton.

Both of which bills I herewith transmit to your honorable body, respectfully asking your concurrence therein.

The council has also concurred in House amendments to C. B. No. 3, An act concerning licenses.

J. R. HANSON,
Secretary.

On motion of Mr. Bottolfson,

The House took a recess of fifteen minutes.

House called to order by the speaker.

C. B. No. 36, was read third time and

Passed by the following vote:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, H. Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker—19.

Noes—None.

On motion of Mr. Litchfield,

The vote of yesterday, to strike out section 8 of H. F. No. 38, was reconsidered.

The question recurring upon the original motion,

The motion was lost.

Mr. Brookings moved that the bill referred to a select committee of three

Which motion prevailed.

The chair appointed as said committee,

Messrs. Litchfield, Bond, and Lawrence,

Mr. Hill, chairman of committee of the whole, made the following report:

MR. SPEAKER:—Your committee of the whole, to whom was referred C. B. No. 7, entitled An act relative to divorces, having had the same under consideration, would respectfully ask leave to report the same back with the following amendment, viz: Amend section five after the word "his," in the third line insert, "or her;" amend section six, fourth line after line after the word his, insert the words, "or she." Strike out in section seven, "for willful desertion of one party by the the other for the term of one year next preceding the filing of the complaint. In section 24, strike out all after the word "dead," in the third line, and insert in lieu thereof, "and shall be entitled to right of dower in all other cases where she is not the guilty party. Amend by striking out the word chapter where it occurs, in the body of the bill, and insert the word "act" in lieu thereof. Amend Nos. 32 and 33, so that No. 32 shall take the place of 33, and 33 the place of 32.

And after being so amended, your committee would recommend its passage.

B. A. HILL, Ch'n.

Mr. Reed moved that the House adjourn until to-morrow at 11 o'clock.

Which motion was lost.

On motion of Mr. Bond,

The amendment to C. B. No. 7, which was recommended by the committee of the whole, was adopted.

Mr. Lawrence moved that the bill be postponed until January 18.

Mr. Curtis moved to lay the motion of Mr. Lawrence on the table.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis,

Hill, Kegan, Larson, Litchfield, Mattison, Pratt, Risling, Ross, Shriner, Wall, and Mr. Speaker—17.

Those voting against its passage were

Messrs. Lawrence and Reed—2.

On motion of Mr. Bond,

The House adjourned until to-morrow at 11 o'clock A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, January 9, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker.

Yesterday's journal read and approved.

Mr. Bond, of committee on ways and means, to whom was referred H. F. No. 44, reported the same back without amendment, and recommended its passage.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred H. F. No. 39, reported the same back and recommended its passage.

Mr. Gore, chairman of committee on enrollment, reported H. F. No. 15, correctly enrolled.

Mr. Litchfield, chairman of select committee, to whom was referred H. F. No. 38, reported the same back and recommended its passage.

Mr. Bottolfson gave notice that he would, on some subsequent day of the session, introduce a bill granting to Engebert Severson a ferry charter across Clay Creek.

Also, a bill incorporating a bridge company across the creek between the Union Hotel and the house of J. R. Hanson, of Posey county.

Mr. Reed gave notice that on some future day of the session he would introduce a bill relating to horses, mules and cattle.

Mr. Hill introduced H. F. No. 48, which was
Read first and second times, and
Referred to select committee of three, consisting of
Messrs. Shriner, Larson, and Wall.

Mr. Hill also introduced H. F. No. 53, which was
Read first and second times, and
Laid over for third reading on Monday.

Mr. Brookings introduced H. F No. 50, which was
Read first and second times, and
Referred to committee on towns and counties.

Mr. Brookings introduced H. F. No. 51, which was
Read first and second times.

Mr. Brookings moved that the rules be suspended and H. F. No. 51 be put upon its final passage.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 9, 1864.

MR. SPEAKER:—I have to inform your honorable body that the Council has passed H. F. No. 28, An act granting Siver Halverson and Aslake Iverson a ferry charter on the Missouri river, with attached amendments, which bill I herewith return, respectfully asking your concurrence therein.

I have also to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 38, A memorial to Congress asking an appropriation of lands for the university of Dakota.

C. B. No. 39, A memorial to Congress respecting the Pacific Railroad.

C. B. No. 40, Memorial and joint resolution praying for an appropriation to build a territorial prison.

C. B. No. 42, Memorial and joint resolution praying for an appropriation to erect a capitol building for Dakota Territory, all of which bills I herewith transmit to your honorable body, respectfully asking your concurrence therein.

H. F. No. 43, A memorial praying Congress for the establishment of an Indian agency on the Missouri river, opposite Devils Lake, in Dakota Territory, has been lost on final passage, which bill I herewith return.

J. R. HANSON,
Secretary.

The time of the special order having arrived,

Mr. Brookings moved that the special order be postponed fifteen minutes,

Which motion prevailed.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Jan'y 9, 1864.

To the Honorable House of Representatives:

GENTLEMEN:—I have the honor to transmit herewith the following bills which originated in your honorable body, which I have this day examined, approved, and signed:

House File No. 6, An act to incorporate the Minnesota and Dakota railroad company.

House File No. 23, An act incorporating St. John's Lodge of Ancient, Free and Accepted Masons.

House File No. 24, An act to repeal chapter 20 of the private laws of 1862.

House File No. 25, An act to repeal chapter 23 of the private laws of 1862.

House File No. 27, An act to create a lien in favor of farmers and others.

House File No. 29, An act to repeal chapter ten of the private laws of 1862.

House File No. 31, An act to repeal chapter 12 of the private laws of 1862.

Very respectfully,
Your ob't serv't
NEWTON EDMUNDS,
Governor.

The Speaker called Mr. Pratt to the chair and spoke to H. F. No. 51.

Speaker in the chair.

The question recurring upon the motion to suspend the rules,

The motion prevailed.

The bill then passed by the following vote:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—19.

Noes—None.

On motion of Mr. Bond,

The House resolved itself into committee of the whole to consider the special order.

Mr. Bond in the chair.

After some time therein, the committee arose, and through their chairman, made the following report:

MR. SPEAKER:—Your committee of the whole have had H. F. No. 41, under consideration and do now report the same back to the House and recommend its passage.

E. M. BOND, Ch'n.

Speaker in the chair.

C. B. No. 39 was read first and second times, and

Referred to committee on ways and means.

C. B. No. 42 was read first and second times, and

Referred to select committee of three.

Said committee consisted of Messrs. Bond, Hill, and Lawrence.

C. B. No. 40 was read first and second times, and

Laid over for third reading on Monday.

C. B. No. 38 was read first and second times, and

Laid over for third reading to-morrow.

C. B. No. 34 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Cur-

tis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—20.

Noes—None.

H. F. No. 41 was read third time, and

Lost by the following vote:

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Burgess, Gore, Hill, Kegan, Litchfield, Pratt, Shriner, and Mr. Speaker—10.

Those voting in the negative were

Messrs. Brookings, Brooks, Curtis, Lawrence, Larson, Mattison, Reed, Risling, Ross, and Wall—10.

H. F. No. 39 was ordered engrossed for third reading tomorrow.

H. F. No. 38 was ordered engrossed for third reading tomorrow.

H. F. No. 47 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—17.

Those voting against its passage were

Mr. Bond—1.

H. F. No. 22 was ordered engrossed for third reading tomorrow.

H. F. No. 44 was read third time, and

Passed by the following vote:

Those voting in favor of its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker— 20.

Noes—None.

The Council amendment to H. F. No. 28 was not concurred in.

Mr. Brookings gave notice that on to-morrow or some future day he would ask leave to introduce a bill detaching the counties of Lincoln, Minnehaha, Brookings, and Duell, and giving Union county one more representative.

On motion of Mr. Curtis,

The House adjourned until Monday, at 10½ o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, January 11, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Yesterday's journal was read and approved.

Mr. Wherry, chairman of committee on ways and means, to whom was referred C. B. No. 39, reported the same back without amendment, and recommended its passage.

Mr. Lawrence, chairman of committee on internal improvements, to whom was referred C. B. No. 33, reported the same back without amendment, and recommended its passage.

Also H. F. No. 45, without amendment and recommended its passage.

Mr. Shriner, chairman of committee on agriculture and

manufactures, to whom was referred H. F. Nos. 35 and 42, reported the same back, and recommended that they both be laid on the table.

Also H. F. No. 48, and recommended its passage.

Mr. Brooks, chairman of committee on engrossment, reported H. F's Nos. 22, 38 and 39 as properly engrossed.

Mr. Gore, chairman of committee on enrollment, reported House Files Nos. 8, 12 and 13, correctly enrolled.

Mr. Reed introduced H. F. No. 51, which was

Read first and second times.

Mr. Lawrence moved to suspend the rules, that H. F. No. 51 be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for the passage of the bill were

Messrs. Brooks, Curtis, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner and Wall—12.

Those voting against it were

Messrs. Bond, Bottolfson, Burgess, Kegan, Pratt, Wherry and Mr. Speaker—7.

Mr. Bond, chairman of select committee, to whom was referred C. B. No. 41, reported the same back to the House with the following amendment: Strike out the words "Yankton, in the county of Yankton, the place," where they occur together in the bill, and insert in lieu thereof the following words —"the place which is or may hereafter be," and recommended its passage.

Mr. Larson introduced H. F. No. 52 which was

Read first and second times.

Mr. Bond moved that the bill be indefinitely postponed.

Which motion was lost.

H. F. No. 52 was then referred to committee on elections.

The amendment which was recommended to C. B. No. 42 was adopted.

The ayes and noes being demanded,

The vote was as follows:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Burgess, Hill, Kegan, Litchfield, Pratt, Shriner, Wherry, and Mr. Speaker—10.

Those voting in the negative were

Messrs. Brooks, Curtis, Lawrence, Larson, Mattison, Reed, Risling, Ross, and Wall—9.

The following message was received from the Council:

COUNCIL CHAMBER,
January 11, 1864.

MR. SPEAKER:—I have to inform your honorable body that the Council has passed, H. F. No. 36, An act granting to John Cain and Cornelius Cain a ferry charter across the Missouri river.

Which bill I herewith return.

I have also to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 36, An act respecting the obstruction of highways, encroachments thereon and penalties.

C. B. No. 43, An act in relation to the Territorial Library.

C. B. No. 44, An act in relation to depositions.

C. B. No. 46, An act to regulate the keeping and management of slaughter houses in this Territory.

C. B. No. 47, Joint resolution relative to the public lands in Dakota.

C. B. No. 57, An act to regulate elections, to prescribe the qualifications of voters, to prevent illegal voting, and to prescribe the canvass and return of the same.

C. B. No. 58, An act regulating the width of highways.

All of which bills I herewith transmit to your honorable body, respectfully asking your concurrence therein.

H. F. No. 33, An act for the relief of insolvent debtors, has been indefinitely postponed.

Which bill I herewith return.

J. R. HANSON,
Secretary.

C. B. No. 42, was read third time, and passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Burgess, Gore, Hill, Kegan,

Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—18.

Those voting against its passage were

Messrs. Brooks and Curtis—2.

C. B. No. 33 was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—20.

Noes—None.

The following mesages were received from the council:

COUNCIL CHAMBER.
January 11, 1864.

MR. SPEAKER:—I have the honor to inform you that the Council has agreed to the following resolution; and the concurrence of the honorable House is respectfully solicited:

WHEREAS, much discussion has arisen upon the result of the general election of 1862, for delegate in Congress from this Territory; and

WHEREAS, it is only upon investigation that the truth can be ascertained—therefore be it

Resolved, That a select committee of three be appointed by the President, whose duty it shall be, together with a like committee on the part of the House, to examine the returns of the election of 1862, for delegate in the 38th Congress of the United States, from the Territory of Dakota, upon which returns the Territorial canvassers took action, and to report their conclusions to each branch of this Legislative Assembly.

The president has appointed as such committee, Messrs. Stone, Bothun and Rich.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
YANKTON Jan. 11, 1864.

MR. SPEAKER:—I have the honor to inform you that the Council has agreed to the following resolutions, in which the concurrence of the honorable House is respectfully solicited.

Resolved, That during the balance of the present session of the Legislative Assembly, the Council will hold two sessions each day—the morning session to commence at 11 o'clock, and the afternoon session at 3 o'clock.

Resolved, That the honorable House be requested to concur in the above resolution.

J. R. HANSON,
Secretary.

Mr. Litchfield offered the following amendment to C. B. No. 40: Strike out all after the word "large," in the second essay.

Which was adopted.

C. B. No. 40 then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—None.

On motion of Mr. Bond,

The special order was postponed until the Council bills now before the House on their regular order were passed.

C. B. No. 81 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Risling, Ross, Reed, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—None.

C. B. No. 38 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—None.

H. F. No. 18 being the special order,

Mr. Bond moved that the rules be suspended,

The bill pass to its third reading, by title, and

Put upon its final passage.

Which motion was lost.

Amendments being offered to the bill by Messrs. Litchfield, Hill, and Bond, which were adopted, the bill was ordered engrossed.

H. F. No. 22, was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—none.

H. F. No. 38 was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—none.

H. F. No. 39, was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Brooks, Curtis, Gore, Hill Lawrence, Larson, Litchfield, Mattison, Reed, Ross, Wall, Wherry, and Mr. Speaker—13.

Those voting against its passage were

Messrs. Bond, Bottolfson, Burgess, Kegan, Pratt, Risling and Shriner—7.

H. F. Nos. 35 and 42 were laid on the table.

H. F. No. 42 was

On motion of ——

Laid on the table.

H. F. No. [illegible] was read the [illegible]

Mr. Bond moved the [illegible]

The ayes and noes being [illegible]

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond and the Speaker—2.

Those voting in the negative were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, and Wall—17.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall and Wherry—18.

Those voting against its passage were

Messrs. Bond and the Speaker—2.

Mr. Lawrence moved that H. F. No. 53 be referred to a select committee of three.

Which motion prevailed.

The chair appointed as said committee,

Messrs. Lawrence, Bond and Wherry.

On motion of Mr. Curtis, the

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Mr. Wall introduced H. F. No. 54.

Mr. Bond introduced H. F. No. 55.

Mr. Brookings moved to suspend the rules that H. F. No. 54 be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were.

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Wall, Wherry and Mr. Speaker—16.

Those voting against its passage were

Messrs. Hill, Kegan, Pratt, and Shriner—4.

Mr. Bond moved to suspend the rules that H. F. No. 55, be put upon its final passage

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

Noes—None.

Mr. Hill moved to amend title of H. F. No. 55, by striking out the words "a bill for."

Which motion prevailed.

Mr. Wherry moved that a committee of three be appointed to act with a similar committee on the part of the Council to examine the election returns of 1862, for Delegate to Congress.

The ayes and noes being demanded,

The motion prevailed by the following vote.

Those voting in the affirmative were

Messrs. Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—17.

Those voting in the negative were

Messrs. Bond, Kegan and Pratt—3.

The chair appointed as said committee

Messrs. Wherry, Lawrence and Bottolfson.

Mr. Brookings moved that the Council resolution to the effect that the Council hold two sessions per day for the remainder of the session, &c., be laid on the table.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Brookings, Curtis, Larson, Mattison, Pratt, Risling, Ross, Wall and Mr. Speaker—10.

Those voting in the negative were.

Messrs. Bond, Burgess, Gore, Hill, Kegan, Lawrence, Litchfield, Reed, Shriner and Wherry—10.

Mr. Brookings moved that the resolution be indefinitely postponed.

Which motion prevailed.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 11, 1864.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has adopted a substitute for H. F. No. 32, An act exempting sheep, cotton, hemp and flax from taxation and execution, which bill, with substitute, I herewith transmit.

The Council has also passed H. F. No. 47, An act to designate the title of register of deeds, which bill I herewith return.

I have further to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 35, An act for the protection of sheep and lambs and for other purposes.

C. B. No. 41, A memorial to Congress asking for an appropriation to defray the military expenses incurred in this Territory in 1862.

C. B. No. 52, An act requiring compensation for causing death by wrongful act, neglect or default.

C. B. No. 56, An act legalizing the acts of J. M. Stone and J. B. Greenway as road commissioners of Yankton county.

All of which bills I herewith transmit to your honorable body, respectfully asking your concurrence therein.

H. F. No. 51, A joint resolution relating to the military warrants issued by R. M. Hagaman, has been indefinitely postponed, which bill I herewith return.

J. R. HANSON,
Secretary.

On motion of Mr. Bond,

C. B. No. 57 was made the special order of to-morrow at 11½ o'clock.

C. B. No. 36 was read first and second times, and

Referred to committee on towns and counties.

C. B. No. 43 was read first and second times and

Referred to committee on ways and means.

C. B. No. 46 was read first and second times,

Mr. Lawrence moved that the bill be postponed until January 18.

Mr. Bond moved to lay the motion of Mr. Lawrence on the table,

Which motion prevailed.

The bill was then referred to committee on military affairs.

C. B. No. 41 was read first and second times,

Mr. Litchfield moved that it be referred to committee on military affairs.

Mr. Hill moved that it be postponed until the 20th of January,

Which motion prevailed.

C. B. No. 52 was read first and second times, and

Referred to committee on judiciary.

C. B. No. 56 was read first and second times,

Mr. Brookings moved that the rules be suspended and the bill put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker —20.

Noes—None,

On motion of Mr. Brookings,

Mr. Brooks was excused from attendance on account of sickness.

C. B. No. 35 was read first and second times, and

Referred to committee on agriculture and manufactures.

C. B. No. 47 was read first and second times, and
Referred to committee on public lands.

C. B. No. 58 was read first and second times, and
Referred to commmittee on towns and counties.

C. B. No. 44 was read first and second times, and
Referred to committee on judiciary.

Mr. Litchfield gave notice that on to-morrow he would introduce a memorial asking Congress to make an appropriation to defray a portion of the millitary expenses incurred in this Territory, as appears by the Territorial Auditor's Report.

On motion of Mr. Brookings,
The House adjourned until to-morrow at 11 o'clock A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 12, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker.

Yesterday's journal was read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan'y 12, 1864.

MR. SPEAKER:—I have the honor to inform your honorable

body that the Council has concurred in House amendment to C. B. No. 40, Memorial and joint resolution praying Congress for an appropriation to build a Territorial prison.

I have also to inform you that the Council has passed the following Council Bills, to wit:

C. B. No. 48, An act granting to Anthony Rapalee, John Dillon, James F. Small and Charles M'Carty, a charter for a ferry across the Missouri river near the mouth of Ponca creek.

C. B. No. 49, An act granting to E. M. Davis, N. Wall and W. M. Barnum and associates, a charter for a ferry on the Missouri river at or near the mouth of Yellow Stone River.

C. B. No. 54, An act providing for the disposition of books and documents therein mentioned.

C. B. No. 55, An act to change the time of holding the United States District Court in the first and second Judicial Districts.

All of which bills I herewith transmit, respectfully asking your concurrence therein.

H. F. No. 40, An act to regulate the collection of fines, has been indefinitely postponed, which bill I herewith return.

J. R. HANSON,
Secretary.

Mr. Lawrence moved to re-consider the vote by which the motion carried on yesterday for the appointment of a committee, to confer with a like committee on the part of the Council in relation to the election returns of 1862.

Mr. Shriner asked to be excused from voting,

Which was not granted.

Mr. Wherry moved to lay the motion of Mr. Lawrence on the table.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Kegan, Pratt, Shriner and Wherry—5

Those voting in the negative were

Messrs. Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Wall and Mr. Speaker—15.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, January 12, 1864.

To the House of Representatives:

GENTLEMEN:—I have the honor to enclose herewith to your honorable body

H. F. No. 8, An act relative to the office of assessor and collector of taxes.

H. F. No. 12, An act repealing chapter 57 of the general laws of 1862 and '63.

H. F. No. 13, An act granting to J. B. Greenway, and his heirs and assigns the right to keep and maintain a ferry on the Dakota river.

H. F. No. 15, An act to incorporate a bridge company at Vermilion, and for other purposes.

Which I have this day examined, approved and signed.

Very respectfully,
Your obedient Servant,
NEWTON EDMUNDS,
Governor.

The question recurring upon the motion of Mr. Lawrence,
The ayes and noes being demanded,
The motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross and Wall—14.

Those voting against its passage were

Messrs. Bond, Kegan, Pratt, Shriner, Wherry and Mr. Speaker—6.

The question recurring upon the original motion.
Mr. Brookings moved to lay the motion on the table.
The ayes and noes being demanded,
The motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Brookings, Burgess, Curtis, Gore, Hill, Lawrence,

Larson, Mattison, Reed, Risling, Ross Wall, and Mr. Speaker—16

Those voting in the negative were

Messrs. Bond, Bottolfson, Kegan, Litchfield, Pratt, Shriner and Wherry—7.

The hour of the special order having arrived

On motion of Mr. Brookings

The special order was postponed for five minutes.

Mr. Lawrence moved that a committee of three be elected, consisting of Messrs. Brookings, Bottolfson and Litchfield, to examine the election returns of 1862.

Mr. Wherry moved to lay the motion on the table.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were,

Messrs. Bond, Bottolfson, Hill, Kegan, Pratt, Shriner, and Wherry—7.

Those voting in the negative were,

Messrs. Brookings, Burgess, Curtis, Gore, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Wall, and Mr. Speaker—13.

Mr. Litchfield moved to amend by striking out "Litchfield," and inserting "Bond."

Mr. Bond moved to amend the amendment by striking out "Bond," and inserting "Wherry."

Which motion was lost.

The question being taken upon the amendment,

The motion prevailed.

Mr. Bottolfson moved to amend by striking out Bottolfson, and inserting Burgess.

Which motion prevailed.

Mr. Brookings moved the previous question,

Which motion prevailed.

Messrs. Brookings, Bond and Burgess were declared said committee.

On motion of Mr. Bond

The House resolved itself into committee of the whole to consider the special order, C. B. No. 57.

Mr. Hill in the chair.

After some time therein, Mr. Brookings moved that the committee do now arise and report back C. B. No. 57, without recommendation.

Which motion prevailed.

Speaker in the chair.

Mr. Wherry, chairman of committee on ways and means, to whom was referred C. B. No. 43, reported the same back without amendment and recommended its passage.

Mr. Gore, of committee on judiciary, to whom was referred C. B. No. 44, reported the same back without amendment and recommended its passage.

Also, C. B. No. 52, recommending its indefinite postponement.

Mr. Shriner, chairman of committee on public lands, to whom was referred C. B. No. 47, reported the same back and recommended its passage.

Mr. Litchfield, chairman of committee on towns and counties to whom was referred C. B. No. 58, reported the same back without recommendation.

Mr. Shriner, chairman of committee on agriculture and manufactures, to whom was referred C. B. No 35, reported the same back and recommended its indefinite postponement.

Mr. Brookings, chairman of committee on elections to whom was referred H. F. No. 37, reported the same back and recommended its passage.

Mr. Gore, chairman of committee on enrollment, reported House Files, Nos. 16, 21, 36 and 47, and Council Bills Nos. 33, 38, 39 and 40 correctly enrolled.

Mr. Hill, chairman of committee of the whole, to whom was referred C. B. No. 57, reported the same back without recommendation.

Mr. Larson introduced H. F. No. 56, which was

Read first and second times.

Mr. Lawrence moved that the rules be suspended and the bill be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Brookings, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—18.

Those voting in the negative were

Mr. Bottolfson—1.

C. B. No. 55, was read first and second times.

Mr. Bond moved to suspend the rules,

Which was withdrawn.

Mr. Litchfield moved that the bill be referred to select committee of three.

Which motion prevailed.

The chair appointed as said committee

Messrs. Litchfield, Bond and Brookings.

C. B. No. 48 was read first and second times

Mr. Wherry moved that the rules be suspended.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—19.

Noes—None.

C. B. No 49. was read first and second times and

Referred to committee on incorporations.

The following message was received from the Council:

COUNCIL CHAMBER,
January 12, 1864.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has adopted the following resolution:

Resolved, (The honorable House concurring therein) That the Council and House of Representatives will hold two ses-

sions each day for the remainder of the present session, commencing at 11 o'clock A. M., and 3 o'clock P. M., respectively.

J. R. HANSON,
Secretary.

C. B. No. 54 was read first and second times.

Mr. Litchfield moved that the rules be suspended, and the bill be read third time and passed.

Which motion prevailed,

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—none.

On motion of Mr. Wherry,

The House adjourned until to-morrow at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*
MAHLON GORE, *Chief Clerk.*

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, January 13, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker.

Mr. Brookings moved that the reading of the journal be dispensed with,

Which motion was lost.

The following mesages were received from the council:

COUNCIL CHAMBER,
January 12, 1864.

MR. SPEAKER:—I have the honor to inform you that the Council has passed an amendment to the House amendment to C. B. No. 42, which, together with the bill, is herewith transmitted, and the concurrence of the honorable House is respectfully solicited.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
Jan. 13, 1864.

MR. SPEAKER:—I have to inform your honorable body that the Council has passed H. F. No. 38, An act concerning vacancies and special elections.

H. F. No. 45, An act to establish a territorial road from Hamilton's Station, opposite Fort Randall, to Fort Sully, both of which bills I herewith return.

I have also to inform you that the Council has passed the following Council bills, to wit:

C. B. No. 59, A memorial to Congress asking an appropriation for the construction of bridges in the Territory of Dakota.

C. B. No. 61, An act to amend chapter 38 of the general laws of 1862–3.

C. B. No. 62, An act establishing the fees of officers.

C. B. No. 63, An act to encourage the cultivation and preservation of timber; all of which bills I herewith transmit, respectfully asking your concurrence therein.

The Council has concurred in House amendments to C. B. No. 7, An act relative to divorce.

J. R. HANSON,
Secretary.

Yesterday's journal read, corrected and approved.

Mr. Brookings, chairman of committee to whom was refer

red H. F. No. 46, reported back a substitute and recommended its passage.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred C. B. No. 36, reported the same back, recommending its indefinite postponement.

Mr. Wall, chairman of committee on military affairs, to whom was referred C. B. No. 46, reported the same back with an amendment and recommended its passage.

Mr. Hill, chairman of committee on incorporations, to whom was referred C. B. No. 49, reported the same back with an amendment and recommended its passage.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 18 as properly engrossed.

Mr. Bond moved that the committee to whom H. F. No. 30 was referred, be instructed to report the same back now.

Mr. Brookings moved to lay the motion on the table,

Which motion prevailed.

Mr. Litchfield, chairman of select committee, to whom was referred C. B. No. 55, reported the same back with an amendment, and recommended its passage.

Mr. Brookings, chairman of select committee, offered the following report:

MR. SPEAKER:—Your committee appointed to go to the Secretary's office and obtain abstracts of votes cast for Delegate, having performed their duty, have obtained an abstract of the votes at the Delegate election on the 1st of September, 1862. Said abstract gives William Jayne one hundred and (twenty-four) forty-seven majority over J. B. S. Todd. Further, on the canvass of said vote by the Territorial canvassers, the certificate of election was issued to William Jayne, or, in other words, he was declared the Delegate elect, and a proclamation issued by the Secretary announcing that fact in accordance with the canvass. Now, your committee believing that the best interests of Dakota demands that she should have a Delegate in Congress, recommend the passage of the accompanying resolution.

W. W. BROOKINGS, Ch'n.
HALVER BURGESS.

Whole number of votes returned at the time of Canvass by the Territorial Canvassers.

Cole County—Elk Point and Willow Precincts—J. B. S. Todd 50; William Jayne 18.

Brule Creek Precinct—J. B. S. Todd 8, William Jayne 63.

Clay County—1st Precinct—J. B. S. Todd 40, William Jayne 33.

2nd Precinct—J. B. S. Todd 24, William Jayne 33.

Yankton County—J. B. S. Todd 66, William Jayne 66, J. B. S. T. 1.

Todd County—J. B. S. Tood 24, William Jayne 13.

Charles Mix County—J. B. S. Todd 7, William Jayne 138.

Dakota Cavalry—J. B. S. Tood 9, William Jayne 11.

DAKOTA TERRITORY, SECRETARY'S OFFICE,
YANKTON, January 12, 1864.

I hereby certify that the foregoing is a correct list of the votes cast for J. B. S. Todd and William Jayne for Delegate to Congress, at the general election held September 1st, 1862, according to the returns to this office prior to the canvass made by the board of canvassers.

Witness my hand and the Great Seal of the Territory, [L. S.] at Yankton, this day and year above written.

JOHN HUTCHINSON,
Secretary.

Mr. Gore, chairman of select committee, appointed to draft a school law, reported H. F. No. 59, by printed copy.

Mr. Bond introduced H. F. No. 57, which was

Read first and second times.

Mr. Bond moved to suspend the rules that the bill be put upon its final passage.

Mr. Lawrence moved to indefinitely postpone the bill.

The ayes and noes being demanded,

The motion prevailed by the following vote,

Those voting in the affirmative were

Messrs. Brookings, Brooks, Curtis, Gore, Lawrence, Larson, Mattison, Reed, Risling, Ross, and Wall—11.

Those voting in the negative were

Messrs. Bond, Bottolfson, Burgess, Hill, Kegan, Litchfield, Pratt, Shriner, Wherry and Mr. Speaker—10.

Mr. Litchfield introduced H. F. No. 58, which was

Read first and second times,

Mr. Brookings moved to make it the special order of to-day after the transaction of all other business,

Which motion prevailed.

Mr. Brookings moved that H. F. No. 59 be made the special order of to-morrow, at 1 o'clock.

Mr. Hill moved to amend by saying 3 o'clock,

Which motion was lost.

Mr. Gore moved to suspend the rules, that the bill be put upon its final passage.

Mr. Brookings moved to lay the bill on the table for the present,

Which motion prevailed.

Mr. Risling offered the following:

Resolved, That the chief clerk of this House be required to obtain the name, nativity, faith, age, settlement in Dakota, county, post office address, occupation, and whether married or single, of each member and officer of this House, and prepare the same in suitable form for publication in the House Journal.

Mr. Litchfield moved to lay the resolution on the table,

Which motion prevailed.

C. B. No. 61 was read first and second time.

Mr. Litchfield moved that the bill be indefinitely postponed,

Which motion prevailed.

C. B. No. 63 was read first and second times, and

Referred to committee on agriculture.

C. B. No. 62 was read first and second times, and

Referred to committee on judiciary.

C. B. No. 59 was read first and second times,

Mr. Brookings moved to suspend the rules and the bill be put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were.

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Cur-

tis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—21.

Noes—None.

Mr. Bond moved that C. B. No. 42 be indefinitely postponed.

Mr. Brookings moved to lay the motion on the table.

The ayes and noes being demanded,

The motion prevailed by the following vote:

Those voting for its passage were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Mattison, Reed, Risling, Ross, and Wall—12.

Those voting in the negative were

Messrs. Bond, Bottolfson, Burgess, Kegan, Litchfield, Pratt, Shriner, Wherry, and Mr. Speaker—9.

The House decided that the Council amendment to the House amendment to C. B. No. 42 was out of order.

C. B. No. 43 was read third time, and

Passed by the following vote:

Those voting for its passage were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—21.

Noes—None.

C. B. No. 55, was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

Those voting against its passage were

Messrs. Reed and Risling—2.

Mr. Litchfield moved to indefinitely postpone C. B. No. 58,

Which motion was lost.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Larson, Mattison, Pratt, Risling, Ross, Shriner, Wall, and Speaker—14.

Those voting against its passage were

Messrs. Bond, Brooks, Kegan, Lawrence, Litchfield, Reed, Wherry—7.

C. B. No. 47 was read third time, and

Passed by the following vote:

Those voting in favor of its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—19.

Those voting in the negative were,

Mr. Kegan—1.

Mr. Bond moved to postpone C. B. No. 52,

Which motion prevailed.

Mr. Brookings moved to lay council bill No. 36 on the table,

Which motion prevailed.

Mr. Bond moved to indefinitely postpone council bill No. 36,

Which motion prevailed.

C. B. No. 44 was read third time,

Mr. Bond moved to suspend the rules that the bill be put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker—19.

Those voting against its passage were,

Messrs Curtis and Kegan—2.

Mr. Lawrence moved that council bill No. 45 be indefinitely postponed,

Which motion prevailed.

Mr. Brookings moved that council bill No. 49 be recommitted to a select committee of five, consisting of Messrs. Bond, Wherry, Hill, Shriner, and Litchfield,

Which motion prevailed.

C. B. No. 57 was read third time,

Mr. Brookings moved to suspend the rules that the bill be put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting in the affirmative were,

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—18.

Those voting in the negative were,

Messrs. Bond, Pratt, and Wherry—3.

Mr. Lawrence moved to adjourn until 3 o'clock, P. M.,

Which motion was lost.

H. F. No. 18 was read third time, and

Passed by the following vote:

Those voting for its passage were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—21.

Noes—None.

H. F. No. 37, was ordered engrossed for third reading to-morrow.

On motion of Mr. Bond,

The Council substitute to H. F. No. 32 was indefinitely postponed.

H. F. No. 46 was ordered engrossed.

H. F. No. 52 was read third time, and

Passed by the following vote:

Those voting for its passage were,

Messrs. Bottolfson, Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—16.

Those voting against its passage were,

Messrs. Bond, Burgess, Kegan, Pratt and Wherry—5.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Jan'y 13, 1864.

To the House of Representatives:

GENTLEMEN:—Herewith please find enclosed House file No. 16, An act authorizing married women to convey real estate by power of attorney.

Also, H. F. No. 21, An act granting to Andrew Peterson, his heirs and assigns, the right to keep and maintain a ferry on the Vermillion river.

Also House File No. 36, An act granting to John Cain and Cornelius Cain a ferry charter on the Missouri river.

Also House File No. 47, An act to designate the title of register of deeds.

All of which have this day been examined, approved, and signed by me this day.

Very respectfully,
Your ob't serv't
NEWTON EDMUNDS,
Governor.

Mr. Bond moved to adjourn.

Which motion was lost.

Mr. Bond moved to adjourn until 3 o'clock.

Which motion was lost.

The report of the select committee appointed to examine election returns of 1862, being taken up,

Mr. Wherry moved that the report be indefinitely postponed.

The ayes and noes being ordered,

The motion was lost by the following vote:

Those voting in the affirmative, were

Messrs. Bond, Bottolfson, Kegan, Pratt, and Wherry—5.

Those voting against it were

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker.—16.

Mr. Wherry moved that the report be laid on the table.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Kegan, Pratt, and Wherry—4.

Those voting in the negative were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and the Speaker—17.

The report of the committee was then adopted.

Mr. Wherry moved to adjourn until to-morrow at 11 o'clock A. M.

Which motion was lost.

Mr. Bond moved to adjourn until to-morrow at 10 1-2 o'clock.

Which motion was decided out of order.

Mr. Bond appealed from the decision of the chair.

The decision of the chair was sustained by the House.

Mr. Wherry moved to adjourn.

Which motion was lost.

Mr. Wherry moved that H. F. No. 60 be indefinitely postponed.

Mr. Brookings moved to lay the motion on the table.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—16.

Those voting in the negative were

Messrs. Bond, Bottolfson, Kegan, Pratt, and Wherry—5.

Mr. Brookings moved that the rules be suspended, and H. F. No. 60 be put upon its final passage.

The ayes and noes being demanded,

The motion prevailed by the following vote:

Those voting in the affirmative were

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—16.

Those voting in the negative were

Messrs. Bond, Bottolfson, Kegan, Pratt, and Wherry—5.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—15.

Those voting against its passage were

Messrs. Bond, Bottolfson, Hill, Kegan, Pratt, and Wherry—6.

Mr. Reed moved to adjourn.

Which motion was lost.

Mr. Bond moved that the House do now resolve itself into committee of the whole, to consider H. F. No. 58.

Which motion prevailed.

Mr. Hill in the chair.

After some time spent therein, the committee arose, and through their chairman, made the following report:

The speaker in the chair.

MR. SPEAKER:—Your committee of the whole, to whom was referred H. F. No. 58, ask leave to report the same back without amendment, and recommend its passage.

B. A. HILL, *Ch'n*

Mr. Lawrence moved to amend H. F. No. 58, by striking out J. R. Hanson, and inserting Mahlon Gore.

Mr. Wall moved to amend by inserting F. D. Pease.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Kegan, and Wall—3.

Those voting in the negative were

Messrs. Bottolfson, Brookings, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, and Mr. Speaker—17.

Mr. Litchfield moved to suspend the rules, that H. F. No. 58 be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—19.

Those voting in the negative were

Mr. Lawrence—1.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 37 as engrossed according to the instructions of the House.

H. F. No. 37, was read third time and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—20.

Noes—None.

Mr. Wall moved to adjourn.

Which motion was lost.

Mr. Burgess moved to adjourn until 11 o'clock to-morrow.

Which motion was lost.

Mr. Bond moved that the House now resolve itself into committee of the whole, to consider H. F. No. 59.

Mr. Lawrence moved that the rules be suspended and H. F. No. 59, be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, and the Speaker—19.

Those voting in the negative were

Mr. Bond—1.

The clerk was instructed by the House to transmit the bills which had passed the House, to the council, this afternoon.

On motion of Mr. Bond,

The House adjourned until to-morrow, at 11 o'clock, A. M.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, January 14, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Yesterday's journal was read, corrected and approved.

Mr. Brookings, chairman of committee on judiciary, to whom was referred C. B. No. 64, reported the same back and recommended its passage.

Mr. Litchfield, chairman of committee on towns and counties, to whom was referred H. F. No. 50, reported the same back without amendment, and recommended its passage,

Mr. Shriner, chairman of committee on agriculture and manufactures, to whom was referred C. B. No. 63, reported the same back and recommended its passage.

Mr. Brookings, chairman of committee on elections, to whom was referred H. F. No. 30, reported the same back without recommendation.

Mr. Brooks, chairman of committee on engrossment, reported H. F. No. 46 as properly engrossed.

Mr. Gore, chairman of committee on enrollment, reported Council bills Nos. 42, 43, 44, 47, 57, 58 and 59 correctly enrolled.

Mr. Wherry, chairman of select committee, to whom was referred Council bill No. 49, made the following report:

MR. SPEAKER:—Your select committee, to whom was referred Council bill No. 49, would recommend the following substitute:

Strike out all after the enacting clause of the bill, and substitute the following:

Section 1. That C. M. Davis, N. Wall, W. M. Barnum, and their associates and assigns, shall have the exclusive privilege of keeping a ferry across the Missouri river, for the distance of fourteen miles on said river, commencing at a point on said river at or near the mouth of the Yellow Stone, and extending seven miles above and seven miles below said point, subject to such rates of toll as are or may be hereafter imposed by the Legislative assembly of Dakota.

Sec. 2. This act shall take effect from and after its passage.

J. WHERRY, *Chairman*,
E.M. BOND,
B. A. HILL,
WM. SHRINER,
L. H. LITCHFIELD.

Mr. Litchfield moved that that portion of the report of the select committee appointed to examine the election returns of 1862, concerning the returns from Bon Homme, be expunged from the journal.

Mr. Bond moved to expunge the entire report.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Kegan, Pratt, and Wherry—5.

Those voting against it were

Messrs. Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall and Mr. Speaker.—16.

The following messages were received from the Council:

COUNCIL CHAMBER,
Jan. 14, 1864.

MR. SPEAKER:—I have to inform your honorable body that the Council has passed

H. F. No. 52, An act annexing the counties of Lincoln and Minnehaha to the county of Union, for election and judicial purposes, with attached amendment.

H. F. No. 56, An act to create and establish a Territorial road from J. B. Greenway's ferry to Haldor Bryngelson.

Both of which bills I herewith return.

The Council has also passed

C. B. No. 60, An act to amend sections 2 and 3 of chapter 86, of the laws of 1862.

Which bill I herewith transmit, respectfully asking the concurrence of your honorable body.

H. F. No. 22, An act granting to Louis Amondson and Mons Nelson the right to keep and maintain a ferry on the Missouri River, and

H. F. No. 39, An act conferring the rights and privileges of the elective franchise upon citizens of this Territory, residing upon the Ponca Reservation and Fort Randall Military Reservation,

Have been indefinitely postponed; both of which bills I herewith return.

The Council has also concurred in House amendments to C. B's. Nos. 42 and 57.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
YANKTON Jan. 14, 1864.

MR. SPEAKER:—I have to inform your honorable body that the Council has amended House amendment to Council bill No. 55, An act changing the time of holding the United States district Courts in the first and second judicial districts,

Which bill with annexed amendments, I herewith transmit, respectfully asking your concurrence therein.

J. R. HANSON,
Secretary.

The question recurring upon the original motion

The motion prevailed.

Mr. Bond moved that Council bill No. 60 be indefinitely postponed.

Which motion prevailed.

The substitute to C. B. No 49, which was recommended by the committee was adopted.

Mr. Brookings moved that the rules be suspended and that Council bill No. 62 be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Lawrence, Larson, Mattison, Risling, Ross, Shriner, Wall and Mr. Speaker—15.

Those voting against its passage were

Messrs. Bond, Kegan, Litchfield, Pratt, Reed and Wherry—6.

C. B. No. 49 was read third time, and

Passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—21.

Noes—None.

The Council amendment to the House amendment to Council bill No. 55, was concurred in.

Mr. Bond moved that Council bill No. 63 be indefinitely postponed.

The ayes and noes being demanded,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Lawrence, Litchfield, Pratt, Reed, Wall and Wherry—7.

Those voting in the negative were,

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Larson, Mattison, Risling, Ross, Shriner, and Mr. Speaker—14.

The bill then passed by the following vote:

Those voting for its passage were,

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, Shriner, Wall, and Mr. Speaker—17.

Those voting against its passage were,

Messrs. Bond, Hill, Pratt and Wherry—4.

Mr. Bond moved that H. F. No. 50 be re-committed to a select committee.

Which motion was lost.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bottolfson, Brookings, Brooks, Curtis, Gore, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Ross, and Wall—13.

Those voting against its passage were

Messrs. Bond, Burgess, Hill, Kegan, Pratt, Shriner, and Wherry—8.

The Council amendment to H. F. No. 52, was concurred in.

H. F. No. 46 was read third time, and

Passed by the following vote:

Those voting for its passage were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry and Mr. Speaker—20.

Those voting against its passage were

Mr. Litchfield—1.

On motion of Mr. Brookings,

H. F. No. 30, was laid on the table.

On motion of Mr. Lawrence,

The House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison,

Pratt, Reed, Risling, Ross, Shriner, Wherry and Mr. Speaker.

Mr. Bond moved that the clerk be instructed to change the vote of Mr. Pratt of yesterday on the indefinite postponement of H. F. No. 57—it being entered wrong by mistake,

Which motion prevailed.

Mr. Gore, chairman of committee on enrollment, reported council bills Nos. 44, 45, 62, and 63, and House Files Nos. 38 and 45, correctly enrolled.

Mr. Bottolfson moved that the House take a recess of half an hour,

Which motion was lost.

Mr. Curtis moved to take up the resolution requiring the chief clerk to take name, age, &c., of members,

Which motion prevailed.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan'y 14, 1864.

MR. SPEAKER:—I have to inform your honorable body that the Council has passed H. F. No. 58, Joint resolution relating to the militia accounts against the Territory for expenses incurred during the fall of 1862, with attached amendments, which bill I herewith return, asking the concurrence of your honorable body.

J. R. HANSON,
Secretary.

Mr. Lawrence moved a call of the House.

Mr. Brookings moved that the call of the House be dispensed with,

Which motion prevailed.

Mr. Litchfield moved to amend the resolution by inserting after the word "faith," the words "politics and weight."

The following messages were received from the council:

COUNCIL CHAMBER,
Jan. 14, 1864.

MR. SPEAKER:—By order of the Council I herewith return to the honorable House H. F. No. 54, entitled An act to incorporate Randall City, in Charles Mix county, the enacting

clause of which is as follows: "Be it enacted by the Council and House of Representatives of the Territory of Dakota;"—and as this seems to be an innovation upon the established form—the Council respectfully requests to be informed whether or not the honorable House has adopted a new enacting clause.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
January 14, 1864.

Mr. SPEAKER:—I have the honor of informing your honorable body that the following House Files have passed the Council, to wit:

H. F. No. 55, with attached amendments.

H. F. No. 59, and H. F. No. 60.

Also, H. F. No. 46, with amendments.

The Council has also passed council bill No. 53.

All of which bills I herewith transmit, respectfully requesting your concurrence therein.

J. R. HANSON,
Secretary.

Mr. Lawrence moved to adjourn.

Mr. Bond moved to lay the motion on the table,

Which motion prevailed.

Mr. Wherry moved that council bill No. 53 be indefinitely postponed,

Which motion prevailed.

Mr. Brookings gave notice that on to-morrow he would ask leave to introduce a memorial to Congress for an Indian agency on the Upper Missouri river.

The Council amendment to House Files Nos. 46, 55, and 58, were concurred in.

Mr. Litchfield moved that it be required of the chief clerk of the House to transcribe the original copy of H. F. No. 58 on the Journal of the House,

Which motion was decided out of order.

Mr. Litchfield appealed from the decision of the chair.

The ayes and noes being demanded,

The vote was as follows:

Those voting in the affirmative were

Messrs. Bottolfson, Brookings, Curtis, Gore, Hill, Reed, Risling, Shriner, and Wherry—9.

Those voting in the negative were

Messrs. Bond, Brooks, Burgess, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, and Ross—10.

So the decision of the chair was not sustained

The question recurring upon the original motion,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Brooks, Burgess, Lawrence, and Litchfield—6.

Those voting in the negative were

Messrs. Brookings, Curtis, Gore, Hill, Kegan, Larson, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wherry and Mr. Speaker—14.

On motion of Mr. Curtis,

The House adjourned.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 15, 1864.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Cur-

tis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Mr. Speaker.

Mr. Lawrence, chairman of special committee, to whom was referred H. F. No. 53, reported the same back, with an amendment, and recommended its passage.

Mr. Brookings introduced H. F. No. 61, which was

Read first and second times.

Mr. Brookings moved that the rules be suspended and the bill be put upon its final passage.

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Shriner, Wall, Wherry and Mr. Speaker—20.

Noes—None.

Mr. Bond submitted his views as the minority of the committee appointed to examine election returns.

Mr. Wherry moved that the views be accepted.

The following message was received from the Council:

COUNCIL CHAMBER,
YANKTON, Jan. 15, 1864.

MR. SPEAKER:—I have the honor to inform your honorable body that H. F. No. 50, has passed the Council.

Which bill I herewith return.

J. R. HANSON,
Secretary.

Some discussion ensuing concerning the minority views,

Mr. Litchfield moved that the House resolve itself into committee of the whole, to give gentlemen a chance to spread themselves.

Which motion was lost.

The ayes and noes being demanded on the acceptance of the minority views,

The motion was lost by the following vote:

Those voting in the affirmative were

Messrs. Bond, Bottolfson, Burgess, Kegan, Pratt, and Wherry—6.

Those voting in the negative were

Messrs. Brookings, Brooks, Curtis, Gore, Hill, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Shriner, Wall, and Mr. Speaker—14.

Mr. Lawrence offered the following:

Resolved, That this House will, the Council therein concurring, adjourn *sine die*, this day, at half-past four o'clock P. M.

Which was adopted.

Mr. Gore, chairman of committee on enrollment, reported H. F's Nos. 46, 52, 56, 58, and 59, correctly enrolled.

Mr. Litchfield offered the following:

Resolved, That a vote of thanks be tendered to the Hon. John Hutchinson, Secretary of the Territory, for the liberal and timely supply of stationery, etc., furnished to the members of this House.

Which was adopted.

Mr. Burgess offered the following:

Resolved, That a vote of thanks of this body be tendered to the Hon. A. W. Puett, for the able, just and impartial manner in which he has discharged the duties of Speaker of this House.

Which was adopted.

Mr. Bottolfson offered the following:

Resolved, That the thanks of the House are due to Mahlon Gore, chief clerk, and A. K. Curtis, assistant clerk, for the able and impartial manner in which they have respectively performed their duties.

Which was adopted.

The following message was received from the Council:

MR. SPEAKER.—I have the honor of informing your honorable body that the Council has passed C B No 64, and C B No 65, both of which bills I herewith transmit, respectfully requesting your concurrence therein.

J. R. HANSON,
Secretary.

H. F. No. 53, was taken from the table.

Mr. Wherry moved that the bill be indefinitely postponed.

Mr. Curtis moved that the bill be laid upon the table.

Which motion prevailed.

Mr. Litchfield called H. F. No. 35 from the table.

The following message was received from the Council:

COUNCIL CHAMBER, Jan'y 15, 1864.

MR. SPEAKER:—I have the honor of informing your honorable body that the following resolution has passed the Council:

Resolved, That as the honorable House has resolved to adjourn *sine die* this day at half-past four o'clock, the Council will adjourn *sine die* at the same time.

J. R. HANSON,
Secretary.

Mr. Wherry moved that H. F. No. 35 be laid on the table,

Which motion prevailed.

Mr. Wherry moved to suspend the rules that C. B. No. 64 be put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting in the affirmative were,

Messrs. Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Reed, Risling, Wherry, and Mr. Speaker—16.

Those voting in the negative were,

Messrs. Bond, Pratt, and Shriner—3.

Mr. Wherry offered an amendment to council bill No. 65,

Which was adopted.

Mr. Bond moved to suspend the rules that C. B. No. 65 be put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were:

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Shriner, Wall, Wherry, and Mr. Speaker—20.

Noes—None.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 15, 1864.

MR. SPEAKER:—I have the honor of informing your honorable body that H. F. No. 61 has been indefinitely postponed by the council, which bill I herewith return to your honorable body.

J. R. HANSON,
Secretary.

H. F. No. 53 was taken from the table and the Council amendment concurred in.

Mr. Gore, chairman of committee on enrollment reported H. F. Nos. 55 and 60 correctly enrolled.

Mr. Brooks, chairman of committee on engrossment reported H. F. No. 53 correctly engrossed.

Mr. Bond moved that a committee of two be appointed to draft patriotic resolutions,

Which motion prevailed.

The chair appointed as said committee,

Messrs. Brookings and Litchfield.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan'y 15, 1864.

MR. SPEAKER:—I have the honor to inform you that the Council has concurred in the House amendment to council bill No. 65.

J. R. HANSON,
Secretary.

Mr. Litchfield offered the following:

Resolved, That a vote of thanks be tendered to Hon. G. M. Pinney for the free use, at all times, of his office, for a committee room, also, his uniform gentlemanly conduct towards the members and officers of this House,

Which was adopted.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Jan'y 15, 1864.

To the Honorable House of Representatives:

GENTLEMEN:—I inclose herewith House File No. 46, An act to amend section 38, of chapter 23, of the laws of 1862.

Also, House File No. 62, An act attaching the counties of Lincoln and Minnehaha to the county of Union for election and judicial purposes.

Also, House File No. 56, An act to locate and establish a territorial road from J. B. Greenway's ferry to Holder Bryngleson's.

Also, House File No. 58, Joint resolutions relative to the reauditing the militia accounts against the Territory for expenses incurred during the fall of 1862.

Also, House File No. 59, An act for the regulation and support of common schools, which I have this day examined, approved and signed.

Very respectfully,
Your ob't serv't
NEWTON EDMUNDS,
Governor.

Mr. Brookings, chairman of committee appointed to draft patriotic resolutions, offered the following:

Resolved, That true patriotism consists not in noisy declation or high sounding resolutions, but in action—the great man at the present time is the man that acts—all can talk!

On motion of Mr. Reed,
The House took a recess until 3 o'clock this P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members answered to their names:
Messrs. Bond, Bottolfson, Brookings, Brooks, Gore, Kegon,

Lawrence, Larson, Litchfield, Reed, Risling, Shriner, Wherry and Mr. Speaker.

The following message was received from the Council:

COUNCIL CHAMBER,
January 15, 1864.

MR. SPEAKER:—I have the honor of informing you that the council has passed H. F. No. 53, which bill I herewith return.

J. R. HANSON,
Secretary.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE.
YANKTON, January 15, 1864.

To the Honorable House of Representatives:

GENTLEMEN:—Herewith please find enclosed House File No. 45, An act to locate and establish a territorial road from Hamilton's Ranche, opposite Fort Randall, to Fort Sully.

Also, House File No. 55, An act locating a territorial road in Clay county.

Also, House File No. 60, To the honorable House of Representatives in United States Congress assembled, which have been this day examined, approved and signed by me.

Very respectfully,
Your obedient servant,
NEWTON EDMUNDS,
Governor.

Mr. Kegan introduced H. F. No. 62, which was

Read first and second times,

Mr. Wherry moved that the rules be suspended and the bill read third time, and put upon its final passage,

Which motion prevailed.

The bill then passed by the following vote:

Those voting for its passage were,

Messrs. Bond, Bottolfson, Brookings, Brooks, Burgess, Kegan, Lawrence, Larson, Litchfield, Reed, Risling, Wherry, and Mr. Speaker—13.

Those voting against its passage were,

Mr. Shriner—1.

Mr. Brookings moved that the House resolve itself into committee of the whole on the state of the Union,

Which motion prevailed.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan'y 15, 1864.

MR. SPEAKER:—I have to inform you that H. F. No. 62 has been lost on final passage in the Council, which bill I herewith return.

J. R. HANSON,
Secretary.

Mr. Shriner in the chair.

After several able speeches,

Mr. Puett moved that the committee do now arise,

Which motion prevailed.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, January 15, 1864.

To the Honorable House of Representatives:

GENTLEMEN:—I have the honor herewith to transmit to your honorable body House File No. 53, An act to prevent the sale of spirituous and vinious liquors to miners, and for other purposes, which I have this day examined, approved and signed.

Very respectfully,
Your obedient Servant,
NEWTON EDMUNDS,
Governor.

Mr. Lawrence moved that the House take a recess of half an hour.

Which motion prevailed.

House called to order by the Speaker.

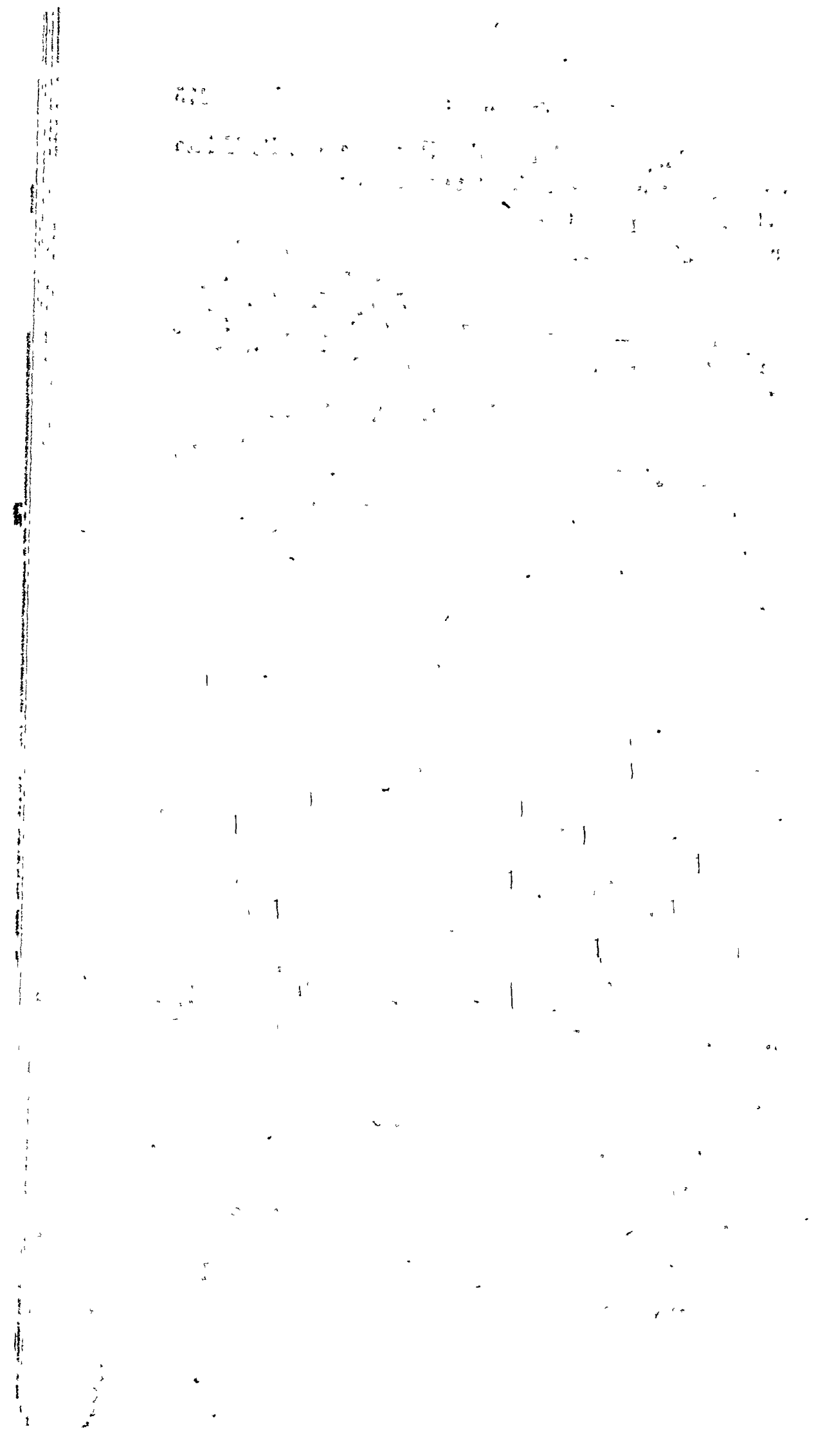
There being no further important business before the House, and the hour designated as the time when the House would adjourn *sine die*,

Mr. Wherry moved that the House adjourn *sine die*,

Which motion prevailed.

A. W. PUETT, *Speaker.*

MAHLON GORE, *Chief Clerk.*



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